The University of Chicago

# THE NEGRO QUESTION IN THE FRENCH REVOLUTION

A DISSERTATION

SUBMITTED TO THE FACULTY
OF THE GRADUATE SCHOOL OF ARTS AND LITERATURE
IN CANDIDACY FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

DEPARTMENT OF HISTORY

BY

CHARLES OSCAR HARDY

The Collegiate Press
GEORGE BANTA PUBLISHING COMPANY
MENASHA, WISCONSIN
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## PREFACE

This paper presents a study of the working of the three revolutionary assemblies and the development of revolutionary sentiment as illustrated by a single problem, the place of the negro in the new régime. It does not deal with the history of the French colonies during the revolution except as some account of events there is necessary for an understanding of the situation with which the assemblies had to deal.

The study was undertaken under the direction of Professor Ferdinand Schevill, whose suggestions and criticisms have placed me under deep obligation. I wish also to express my appreciation of the unfailing courtesy extended to me by Professor George Lincoln Burr, Librarian of the Andrew Dickson White Library of Cornell University. Most of all I am indebted to Professor Mitchell Bennett Garrett, author of "The French Colonial Problem, 1789–91," for innumerable contributions of bibliographical and historical data and suggestions concerning their interpretation.

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## CHAPTER I

### The Negro Problem in 1789

The slave-holding colonies of France at the outbreak of the Revolution were eight in number, San Domingo, Martinique, Guadeloupe, Cayenne, Tabago, St. Lucie, the Isle of France, and the Isle of Bourbon. Of these, the five last mentioned may be neglected for the purposes of this study, as their combined population was less than 100,000 and they played an utterly insignificant rôle. Martinique and Guadeloupe, with a white population of about 25,000, contained about 150,000 slaves and a small number of free negroes. These two colonies were represented in the National Assemblies, and their problems played a subordinate part in the development of the attitude of France toward the negro question.

For the most part, however, the subject may be discussed with our attention fixed upon the flourishing colony of San Domingo. This comprised about one-third of the island of Santo Domingo, the remainder of which was a possession of Spain. Its population was variously estimated. Moreau de St. Méry, the best contemporary authority on colonial questions, quoted the official figures of 1790 as 30,826 whites, 24,262 free negroes and mulattoes, and 452,000 slaves.[1]

The condition of the slaves here and in the other French colonies was much the same as that of slaves in the tropical colonies of other nations, and needs no extended description. Legally, the status of the slave did not differ materially from that given him by the typical slave code of our own old south. In practice, however, the climate, the nature of the sugar-planting industry, the type of social organization, and the character of the slaves themselves, many of whom were fresh from Africa, combined to engender a state of misery and degradation far worse than any which ever characterized the cotton plantations of the United States. The evil conditions of this life are sufficiently indicated by the failure of the population to maintain itself by natural means, the annual excess of deaths over births amounting to about two and one-half per cent.[2]

[1] Speech in the National Assembly, May 14, 1791, Le Hodey, XXV, 501. See numerous other estimates collected in Déschamps, Les colonies pendant la révolution, 290. The figures must be used with care, however, as there are numerous errors in the table.

[2] Peytraud, L'Esclavage dans les Antilles françaises, 35.

Partly on account of this enormous death rate, and partly on account of the rapid growth of the sugar industry, there was a constant demand for new slaves from Africa, and a large profit in supplying them. The number of negroes exported to the French West Indies during the last decade before the Revolution is estimated, with probable accuracy, at from 30,000 to 35,000 per annum.[3] The cruelty of the system by which cargoes of negroes were secured in Africa and the cold-blooded barbarity with which they were treated during the voyage to America have been described by others so fully that there is no need to repeat the story here. An average death rate of seven or eight per cent, often running up to twenty per cent, bears sufficient witness to the ruthlessness with which life was sacrificed to profits.[4]

Another aspect of the negro problem in the colonies, however, is less familiar, the question of the status of freedmen and their descendants. The free negroes and mulattoes, who were almost equal in number to the whites, formed a social class to which nothing in the history of our own slave system corresponds. The existence of this class was due to the peculiar custom of setting free the offspring of illicit unions between slave women and their masters. Some relaxation of morals is inevitable under any system of servitude, but in the French Antilles the comparative fewness of white women, the isolation, the tropical climate, and the greater liberality of the Latin moral code all combined to make this result of slavery more pronounced than in the societies with which we are more familiar. In accordance with Roman law, a child of course followed the status of its mother, but it was the regular custom of the planters to emancipate their mulatto children on the attainment of their majority, and in many cases the mother was set free also. Thus it came about that the number of free mulattoes was almost equal to that of the whites. Most of these free negroes, of course, belonged to the poorest laboring class of the community, but there were among them a number of wealthy and educated families, some of whom owned considerable numbers of slaves. It was claimed during the Revolution that they owned one-fourth of the property in the West Indian colonies.

The situation of this class had no parallel in continental life, and its legal position was ambiguous. According to the Code Noir of Louis XIV, the fundamental law of slavery, freedmen and their descendants

[3] Peytraud, *op. cit.*, 140.

[4] For the whole subject cf. Peytraud, *op. cit.*, Book 1; Vaissière, La société et la vie creoles, 155-65.

were entitled to all the rights and privileges of citizens of France,[5] but in defiance of the Code, race prejudice had built up during the eighteenth century a special body of customary rules for their control, and this custom was recognized by numerous administrative edicts and royal ordinances. The mulattoes, for instance, were forbidden to carry arms except when in militia service, and their commissioned officers must be white.[6] The slightest trace of negro blood was sufficient to debar one from attaining noble rank.[7] Marriage with a mulatto, which seems to have been rather common, was also sufficient to prevent the attainment of nobility.[8] Special sumptuary laws prohibited the mulattoes from using carriages, and from wearing garments of a certain quality.[9] In 1767 a free negro was sold into slavery for striking a white man, and in 1778 the execution of a mulatto in the East Indies for an injury done a white man was approved by the Minister of Marine and ordered advertised in San Domingo, "since it is necessary to keep the free negroes and slaves in subordination."[10] Several trades and professions were forbidden to the negroes, including medicine and surgery and the jewelers' trade.[11]

These laws and the social prejudice which inspired them were bittely resented by the free mulattoes, the more so as most of the laws were of comparatively recent origin.[12]

[5] Code Noir, Arts. 57-59. (Peytraud, *op. cit.*, 165-6.)

[6] Moreau de Saint-Méry, Lois des colonies, V, 20, 166, 173, 824.

[7] *Ibid.*, V, 80.

[8] *Ibid.*, V, 520.

[9] *Ibid.*, V, 855; Grégoire, Mémoire en faveur des gens de couleur, 8.

[10] Moreau de Saint-Méry, *op. cit.*, V, 84, 817.

[11] Raimond, Origine du préjugé contre les hommes de couleur, 8; Grégoire, *op. cit.*, 6-7.

[12] Raimond, *op. cit.*, passim.

## CHAPTER II

### Attitude of the Government and of Public Opinion Before the Revolution

As is well known, by the close of the Middle ages chattel slavery had almost disappeared in Western Europe. In the fifteenth and sixteenth centuries, however, the discovery and settlement of America created a new and insistent demand for unskilled labor, a demand which voluntary migration could not be induced to supply. At the same time the discoveries in Africa furnished a new source of supply which the Spanish and Portuguese were quick to exploit. By the time the French entered the field of colonial enterprise in the early seventeenth century the African slave trade had become an established institution, and the French West Indian colonies were founded in every case on the basis of slave labor. The number of slaves increased very rapidly during the eighteenth century, and the business interests of France became deeply involved with the continuance of the African trade and the agricultural industries in America which were supposed to depend upon it for their existence. The government gave no attention to the moral and social aspects of the question,[1] but attempted to regulate and encourage the trade upon mercantilist principles. Until 1767 the slave trade between Africa and the French colonies was a monopoly granted to favored companies. It was then thrown open to all Frenchmen, and in 1783 was opened to foreigners also. French vessels engaged in the trade received substantial bounties from the government.

Nor was the public much more interested in the human side of the question than was the government. Before the late eighteenth century there was nothing that can really be called an anti-slavery movement, and even after a few voices began to be raised in behalf of the negroes, the life of the "people of color," as the free mulattoes were called, was almost entirely unknown in Europe.[2] The revival of slavery in the

[1] Louis XIII, it is said, had qualms of conscience regarding the morality of the system, which were appeased by the consideration that transportation to Christian lands offered the pagans of Africa their only hope of conversion and eternal life.

[2] The development of anti-slavery sentiment in the eighteenth century is traced briefly in Dunning, History of Political Theories from Luther to Montesquieu, and in Déschamps, Histoire de la question coloniale en France, 318-28.

sixteenth century was approved by the moral and religious thought of the age, and hardly a single voice was raised in protest till the eighteenth century philosophical movement brought in a new sense of the value of human life. With the exception of Bodin[3] the most eminent thinkers of the seventeenth century—Grotius, Hobbes, Bossuet—found slavery compatible with their various ideas of the right and wrong of human relationships. Religious optimism found the will of God in the things that were, and Cartesian rationalism was as conservative in its results as Calvinistic theology. But with the eighteenth century there arose a rigorous logical iconoclasm which found everywhere opportunities for improvement. Locke[4] condemned slavery as contrary to natural law, but it was Montesquieu who delivered the first really effective blow. In the fifteenth book of the Spirit of the Laws be demolished systematically and completely the current reasoning which justified slavery from the right of conquest, the right of the individual to sell himself, the right of the father to sell his child, and the right of the Christian to dominate over the heathen. Finally in a masterpiece of irony he summarized the only sound arguments which, he said, could be offered in defense of negro slavery:

"These creatures are all over black, and with such a flat nose that they can scarcely be pitied."

"It is hardly to be believed that God, who is a wise Being, should place a soul, especially a good soul, in such a black, ugly body."

"The negroes prefer a glass necklace to that gold which polite nations so highly value; can there be a greater proof of their wanting common sense?"

"It is impossible to suppose these creatures to be men, because allowing them to be men, a suspicion would follow that we are not Christians."[5]

Rousseau and Voltaire followed Locke, and the Encyclopedia followed Montesquieu. None of the thinkers of the middle of the century, however, were more than incidentally interested in the question, and it received no special attention till just before the Revolution. The institution of slavery was then attacked in earnest by the Abbé Raynal and by Condorcet. Raynal[6] did little more than to expand the arguments

[3] Les six livres de la republique, Book I, ch V.

[4] Two Treatises on Government, Book II, ch. 4.

[5] The Spirit of the Laws, Book XV, ch. V, (Nugent's translation). According to Condorcet, this chapter was accepted by an assembly in Jamaica as a serious defense of slavery. (Oeuvres de Condorcet, VII, 97, n. 2.)

already advanced by Montesquieu, but his wide knowledge of the colonies and the passion with which he urged the cause combined to put his contribution in a different class from those of his predecessors, and the immense popularity of his work transferred the contest from the philosopher's closet to the arena of public discussion.

Condorcet, at about the same time, issued the first detailed scientific treatment of the question in the French, or for that matter in any, language.[7] With his usual acuteness of reasoning the philosopher analyzed and answered the current arguments, following in general the lines mapped out by predecessors, but developing many new points of minor importance and supporting his theories with a substantial array of facts, the evident result of a tremendous amount of research.

Immediately after the appearance of these works the Revolution gave the first opportunity to attempt a practical application of the new theories. Here, as so often, France received her impulse from England. It is necessary, therefore, to review briefly the development of sentiment and the beginnings of activity in that country.[8]

There are scattered evidences of the existence in England of sentiment against negro slavery from the middle of the seventeenth century, but no effective opposition arose till after the middle of the eighteenth. The Quakers, whose founder had been a fearless critic of the institution, were foremost in the attack. As early as 1727 the Society of Friends passed a resolution of censure against the trade, and from about 1758 its influence was strongly exerted to keep its members from even an indirect connection with it. Others than the Quakers became interested. Granville Sharp began in 1765 to look after the interests of negroes who were claimed in British ports as slaves, and in 1772 was instrumental in securing the famous judicial decision that as soon as any slave set foot on British soil he became free. In 1783 the Society of Friends submitted to Parliament the first petition for the abolition of the slave trade. In 1785 the cause secured its greatest advocate. That year the subject assigned for a competition in Latin composition at Cambridge was, "Whether it is right to enslave others against their will," and the prize was won by a young churchman named Thomas Clarkson. The winning

[6] Philosophical History of the Indies, III, 421-66 (Justamond's translation).

[7] Pastor Schwartz (pseudonym), Reflexions sur l'esclavage des nègres, Neuchâtel 1781. Revised edition, Paris, 1788, Oeuvres de Condorcet, VII, 63-140.

[8] The following account of the development of sentiment in England is based on Clarkson, History of the Rise, Progress, and Accomplishment of the Abolition of the African Slave Trade by the British Parliament, I, ch's III-XX.

essay immediately became a standard authority among opponents of the trade, and more important, the author was inspired to devote his life to the cause of the blacks. At about the same time Wilberforce, a member of Parliament and an intimate friend of Pitt, became actively interested.

Through a union of these forces there was organized in 1787 a "Committee for Effecting the Abolition of the Slave Trade," composed chiefly of Quakers, but having Granville Sharp as President and Clarkson as its most prominent member. Wilberforce, who for some time was not a member, was to head the campaign in Parliament, while the Committee was to solicit funds, collect information, and arouse public sentiment. The campaign thus begun was waged without cessation till the British slave trade was abolished in 1806.

The beginning of political activity in France was a direct outgrowth of this work in England. The London Committee was formed on May 22d, 1787; on August 27th it received a letter from Brissot, requesting that he and Clavière might become associates of the Committee for the purpose of publishing French translations of its literature and collecting subscriptions to be remitted to London for the good of the common cause. The committee declined the offer of financial aid, but elected Brissot an honorary member and recommended that a society be formed in France.[9]

In accordance with this recommendation a society was formed in Paris in February, 1788, under the name of the Society of Friends of the Blacks, with Clavière as President. It adopted the same seal as the Committee in England, but was an entirely independent organization. Mirabeau was a charter member, and La Fayette and Condorcet were among the first additions to its membership. Other prominent members who came in later were Siéyès, Pétion, Grégoire, Robespierre, and the Duke of La Rochefoucauld.[10]

Mirabeau, who had secured an exemption from censorship for his journal, stretched his privilege to cover the early publications of the society by issuing them as supplements.[11] At a later time Brissot's journal, the "Patriote français," became the organ of the society.

During Brissot's absence in America, in 1788, the society was dormant, but on his return it awoke to renewed activity. The hour was propitious. The National Assembly, which was to reform everything

[9] Clarkson, *op. cit.*, I,446-7.

[10] Brissot, Mémoires, II, 71 ff.; Cahen, La Société des Amis des Noirs et Condorcet, Rév. fr., L, 481-511.

[11] Brissot, *op. cit.*, 79-80.

vicious in the state, was about to meet. Deputies were being elected, cahiers were being written, and the watchword "liberty" was on every man's lips. What better opportunity could one anticipate to secure the abolition of slavery and the slave trade, the most flagrant violations of the principles of equality and liberty that the world had ever seen?

The Society of the Friends of the Blacks set to work with enthusiasm. On February 3d, 1789, Condorcet, at that time the President, addressed a circular letter to all the bailiwicks of France, urging that there be inserted in the cahiers a demand that the Estates-General destroy the slave trade and make preparation for the ultimate abolition of slavery.[12] Several similar publications followed, and efforts were made to obtain the election of delegates favorable to the cause.

The results of this campaign were disappointing. Several leaders of the society were elected, but they were men of such prominence that it appears improbable that the efforts of the society were an important factor in their success, and there is no evidence of any influence in electing followers for these leaders.[13] The cahiers reflect a very slight interest. Of the thousands of these documents published in the *Archives parlementaires*, only thirty-seven formulate demands for any action in favor of the negroes. Of these, eleven demand the abolition of the slave trade, and fifteen the immediate or ultimate abolition of slavery. Twelve demand that the condition of the slaves be improved in some way, and several others are too indefinite to admit of ready classification. Only one refers to the condition of the free negroes, which was destined to be the chief bone of contention between the Friends of the Blacks and the defenders of the existing order. As a whole, the cahiers made it clear that an attack on slavery was not a matter vital to the mass of the nation, and that success, if it came at all, must be due to the loyalty of the Estates-General to the principles of equality and liberty, and to the ability and energy of the little group of intellectual leaders who made up the Society of Friends of the Blacks.

This fact determined the character of the controversy for several years. Anti-slavery agitation was the hobby of an intellectual élite, to be promoted by an appeal to men's minds and consciences, in opposition oftentimes to their pecuniary interests. Before it could be really effective it must become a prejudice, a habitual state of mind with masses of men inaccessible to logical argument and moral appeal.

[12] Au corps electoral contre l'esclavage des noirs, Oeuvres de Condorcet, IX, 471-5.

[13] On the campaign of the spring of 1789, cf. Boissonnade, Saint-Domingue à la veille la révolution, 208-13.

## CHAPTER III

### Beginnings of the Contest in the National Assembly

The contest between the Friends of the Blacks and the defenders of slavery began in connection with the application of an irregular delegation for admission to the Estates-General as representatives of San Domingo. As this delegation was destined to furnish the leading opponents of the Friends of the Blacks, its history is of interest. Early in 1788 certain colonial proprietors residing in France and a few merchants interested in colonial trade, acting in concert with a small number of actual residents of San Domingo, began an agitation for representation of that colony in the Estates-General, then promised for 1792. An organization of nearly two hundred members was formed in Paris under the name of the "Colonial Committee." Correspondence was maintained with discontented planters, pamphlet literature was published, and petitions were circulated among the colonial proprietors both in San Domingo and in France. After an attempt to secure the personal influence of the Counts of Provence and Artois and the Duke of Orleans, formal request was made to the king for representation of San Domingo. This request was refused by the Council of State. The agitators, however, boldly drew up and sent to the colony a plan for electoral assemblies. These assemblies were held, without any legal sanction, and thirty-one deputies were elected.

While these irregular elections were proceeding the Committee continued its work in France, and succeeded in securing a demand for the admission of colonial deputies in at least fourteen cahiers of primary assemblies. Repeated applications were made to Necker and to the Minister of Marine, but without result, and when the Estates-General opened the representatives of San Domingo had no legal standing.[1] Nevertheless, part of the deputies presented themselves on June 8th, making application separately to each of the three orders.

The third estate alone proved receptive. On June 20th, eight San Domingo deputies were allowed to take the Tennis Court Oath. On June 27th the Committee on Credentials made a report unanimously

[1] This account of the origin of the colonial deputation is based on the excellent narrative in Boissonnade, *op. cit.*, ch's 6-9.

recommending the admission of the colonial deputation but declared itself unable to agree on the number of deputies to which the colony was properly entitled. The Assembly accepted the report, apparently without a dissenting voice, and postponed discussion of the question of numbers to July 3d.[2]

So far the deputation had easy sailing. Half the committee had favored the admission of twenty deputies, half of twelve, either figure being far in excess of what the colony could expect on the basis of the number of its free inhabitants. But more was involved than a question of parliamentary organization. The question brought squarely before the assembly the delicate problems of slavery and the status of free negroes under the new régime, and brought upon the colonial delegation the wrath of the powerful Society of the Friends of the Blacks.

Immediately after the first appearance at Versailles of the San Domingo deputation the Friends of the Blacks had recognized a foe. Mirabeau's newspaper challenged their right to count the slaves as a basis of representation, and taunted them with bitter words: "Either count your negroes as men or as beasts; if they are men, free them, let them vote, let them be elected to office. If they are cattle, let the number of your deputies be made proportional to your human population; we have counted neither our horses nor our mules."[3]

Between the vote of admission on June 27th and the final debate on July 3d and 4th the Friends of the Blacks awoke to the importance of the issue. Condorcet published a vigorous pamphlet denouncing the slave-holder and all his works. "We are tempted," said he, "to advocate a law which shall exclude from the National Assembly every man who, as a slaveholder, is interested in the maintenance of principles contrary to the natural rights of man, which are the only purpose of every political organization. . . . The natural right of man to be governed only by laws to which he has given his consent cannot be invoked in favor of a man who is himself at the very moment violating the law of nature." The pamphlet closes with the remark that the planters can doubtless speak concerning their own interests, "but that on their lips the sacred word 'rights' would be blasphemy against reason."[4] The last sentence gives the key to the conflict that was to follow. On the one hand, the remorseless logic of a century devoted to the worship of reason, sacred

[2] Point du jour, I, 61-4. Le Hodey, I, 259-62. XIVe Lettre du comte de Mirabeau à ses commétans, 4-9.

[3] Xe Lettre du comte de Mirabeau à ses commétans, 3.

[4] Oeuvres de Condorcet, IX, 477-85.

principles which the opposition never dared to deny and scarcely attempted to evade; on the other hand the economic interests of powerful groups of "practical" men, antagonistic to one another in many of their aims, but drawn together by the common need of self-protection against the men of ideals.

When the question was reopened on July 3d, Mirabeau took the lead in the discussion, raising again the question of counting the slaves, and arguing further that the so-called deputies really represented only about one-half even of the free population, since the whole body of free blacks and mulattoes had been excluded from the suffrage.[5] In this debate, as on many future occasions, the mouthpiece of the colonial deputation was the Marquis de Gouy d'Arsy, a colonial proprietor residing in Paris, who had been from the beginning a leader in the movement for colonial representation. Gouy made no attempt to defend the principle of slave representation, but based his claim for the admission of eighteen or twenty delegates on the wealth and commercial importance of the colony. His weak point was the exclusion of free tax-paying mulattoes from the electoral assemblies. According to the Abbé Jallet he said that since the mulattoes were natural enemies of the whites it would be dangerous to give them any influence, an argument which, as one might expect, made a bad impression on the assembly.[6]

The debate dragged over into the next day without bringing out any other argument of importance, and the number of deputies was finally settled by a weary compromise at six.[7] Although there was some opposition from other sources, including a rival group of colonial proprietors who protested against the seating of any delegates at all, it is clear that the opposition of the Friends of the Blacks was the main cause of the deputation's reduction in number from twelve or more to six.

The chief importance of this discussion was the prominence which it gave to two questions that the colonial deputies were most anxious to keep smothered—slavery and the civil status of the free negroes. During the debate of June 27th the Duke of La Rochefoucauld found opportunity to present the aims of the Society of Friends of the Blacks, and requested the future consideration of the problem of emancipation. Four other deputies called attention at the same time to the demands of their

[5] Le Hodey, I, 323-6; Point du jour, I, 99-100.

[6] Journal, 115-6. Cf. Le Hodey, I, 335; Duquesnoy, Journal, I, 160.

[7] Le Hodey, I, 341-54; Point du jour, I, 107-8. This was the first occasion on which the vote "par tête" was employed, and a large number of the clergy and nobility refused to participate.

constituents that something be done to improve the condition of the slaves, and their remarks received hearty applause.[8]

Other events quickly followed which convinced the colonial deputies that there was real danger in the Revolution for their peculiar institutions. In July there arrived at Versailles one Raimond, a mulatto, a native of San Domingo, who had come to France in 1784 to seek some amelioration of the condition of the free mulattoes.[9] He had accomplished nothing and when the National Assembly convened it was only natural that he should turn to it for assistance. Raimond was a man of considerable education, the author of numerous well written pamphlets and a politician of no mean ability. He came of a family of wealthy planters, and was at least three-fourths white.[10]

At about the same time there appeared another formidable antagonist of the planting and slave-trading interests. The British Committee for the Abolition of the Slave Trade had slackened its activity in England on account of an adjournment of Parliament, and took the opportunity to send Thomas Clarkson to work in the National Assembly. Immediately on his arrival at Versailles Clarkson sought the acquaintance of the Duke of La Rochefoucauld, Condorcet, Brissot, Pétion, La Fayette, and other Friends of the Blacks and began a quiet campaign against the slave trade.[11] Moreover, at the famous session of August 4th, the Duke of La Rochefoucauld again brought up the question of the emancipation of all the slaves, and besought the Assembly to give it consideration before closing its labors.[12]

Thus before the end of the summer of 1789 the defenders of the interests of slavery found themselves confronted with three distinct threatening movements—the free mulatto question agitated by Raimond, the question of the slave trade pushed to the front by Clarkson, and in the back ground the demand for emancipation. In response to these move-

[8] Point du jour, I, 64; Jallet, *op. cit.*, 107.

[9] Raimond, Veritable origine des troubles de Saint-Domingue, et des differentes causes qui les ont produits, 4. Lettre au citoyen D, 7.

[10] Raimond, Observations sur l'origine et les progrès de préjugé des colons blancs contre les hommes de couleur, 41-3. Page et Brulley, Developpement des causes des troubles et des désastres des colonies, 61.

[11] Clarkson, *op. cit.*, II, 123 ff.

[12] Courrier de Provence, No. 23, 19. Gouy d'Arsy claimed two years later that he alone prevented the assembly from declaring the slaves free on that memorable night (Confession d'un député dans ses derniers momens, 4) and the whole San Domingo deputation made a similar claim for themselves. (Garran, Rapport sur les troubles en Saint-Domingue, I, 142.)

ments there ensued a rapid development of counter-organizations to defend the existing order. There was, in the first place, the so-called colonial committee (not to be confused with the colonial committee of 1788-9, described above, or with the colonial committee of the Assembly, organized later) consisting of the six San Domingo deputies admitted on July 4th, together with their twelve alternates, who had been granted seats on the floor of the Assembly. This whole group maintained an organization of which the six deputies were only the mouthpieces, their votes on all important matters being decided by a preliminary caucus of the eighteen.[13]

Rivalling this "committee" was another organization, the "Corresponding Society of French Colonists," commonly known as the Massiac Club. This aristocratic club of wealthy planters was formally organized August 20, 1789, and by October had 435 members. Although the object of the Club was to promote much the same interests as the colonial committee, it took issue sharply with the deputies on the question of political methods. The deputies posed as radical revolutionists, while the Club was strongly royalist and opposed every attempt to work through the National Assembly or even the recognition of its authority over the colonies. It was this group, then not fully organized, which had protested in July against the admission of the San Domingo deputation. The two organizations never came to work in harmony. The Club published large numbers of pamphlets, chiefly for circulation in the colonies, dispatched agents to the islands, exercised an illegal but effective oversight over the movement of colonists from France to San Domingo and had a very large influence with the ministry.[14]

From this time we find the colonists generally on the defensive. The negro question was not the issue which had brought them to Versailles. Discontent with the trade laws, dissatisfaction with a recent reorganization of the government of San Domingo, desire for a larger share in the administration, tax grievances, all these were more important causes of their demand for representation than was their fear of legislation on behalf of the slaves. Hence they could pose as revolutionaries, but the enumeration of their grievances shows how little they had in common with the radical party in France. Superficially there was a common purpose—the overthrow of Bourbon despotism and the establishment of some form of self-government. But as soon as we note what bene-

[13] Garran, *op. cit.*, I, 50.

[14] Garran, *op. cit.*, I, 54-9; Déschamps, Les colonies pendant la révolution, 53-7; Raimond, Veritable origine, 16.

fits the colonists expected to secure through self-government a wide difference becomes apparent. The characteristic abuses of the old régime were unknown in San Domingo. There was no distinction of orders; instead there was a hierarchy of caste, and the democratic enthusiasm which was seeking to wipe out all distinctions between classes of men found no echo in the hearts of the revolutionists of San Domingo. They were devotees of liberty indeed, for liberty meant the overthrow of the mercantilist commercial system which subordinated their interests to those of the merchants of France. But their democracy was the democracy of our own old South—equality and liberty within a class set apart from the mass of humanity by impassable barriers of race, color, and legal bondage. And now in the very beginning of the Revolution they found the new catch-words of liberty and equality so interpreted as to threaten a deadly thrust at their most vital economic interests and a still deadlier thrust at social prejudices as dear as the maintenance of their economic life.

The dangerous position of the colonial deputation at this time was frankly set forth in an open letter to their constituents, dated August 12, 1789, which became public in France in the spring of 1790, and attracted much unfavorable attention to its authors. It read in part as follows:

"The colony, gentlemen, is in a two-fold danger—equally serious under either aspect. Danger from without (here follows a rumor of an English expedition against the island) . . . Danger within—they are trying to stir up revolt among our "negroes. . . . We see the danger, and we are forced to keep silent—they are drunk with liberty. Gentlemen, a society of fanatics, calling themselves the Friends of the Blacks, is openly writing against us; it is watching for a favorable opportunity to make an attack on slavery; if we should only pronounce the word it might give them an opportunity to make a demand for the emancipation of our slaves. . . . Watch, and again watch; the National Assembly is too busy with the internal affairs of the kingdom to take thought for us. . . . Arrest suspects; confiscate writings in which the word 'liberty' occurs; guard your homes; everywhere make sure of the free mulattoes;[15] be suspicious of those who return from Europe. One of your greatest misfortunes is that it has been impossible to forbid the departure of the mulattoes who are in France; the spirit of the times was opposed to our desires; to prohibit the embarcation even of slaves

[15] "*Attachons.*" The phrase was variously interpreted by contemporaries and was probably intentionally ambiguous.

would have been denounced to the nation. . . . This crisis will not last; count on us."[16]

What a dilemma! These deputies had taken the Tennis Court Oath with enthusiasm, they sat on the left, yet they regarded the word "liberty" as dangerous, congratulated themselves that the Assembly was too busy to take thought for them, and looked forward eagerly to the time when the intoxication of the first draught of liberty should have passed.

Eight days later the Declaration of the Rights of Man was adopted. Among its ringing phrases one looks in vain for a reference to the relations of black man and white. No specific reference was made in it to colonial conditions; indeed none could be made without passing definitely on the whole question of slavery. But Mirabeau published an interpretation of the Declaration which pushed it to its logical conclusion, the immediate and absolute emancipation of all the slaves on the soil of France:

"After having fully stated the principle, the National Assembly will not deny its most just and legitimate consequences. . . . What it will say . . . is that neither in France nor in any country subject to the laws of France can there be any other men than free men; men equal among themselves. . . . Not one of them (the San Domingo deputation) has offered an amendment to the effect that 'White men only are born and remain free.' . . . 'Black men are born and remain slaves.' No, not one of their deputies has used such abominable language, and none of them has given evidence of the slightest reservation in his acceptance of the Assembly's decree. This, then, is not only the will of the National Assembly but that of the planters themselves, that every man, regardless of color, shall have equal right to liberty."[17]

Five pages of this literature emanating from the most influential member of the Assembly might well cause uneasiness in the minds of the owners of slave capital. The colonial deputies, indeed, always remained hostile to the Declaration and claimed that it did not apply to the colonies.[18] Logically this limitation was impossible, and Mirabeau's interpretation was correct, for the Declaration by its own terms was of universal

[16] Published in Courrier de Provence, No. 111, 471-4, in Raimond, Véritable origine, 6-8, and separately as pamphlet edited by the San Domingo deputation.

[17] Courrier de Provence, No. 30, 1-6.

[18] For instance, when the members of the Assembly were summoned, on February 4th, 1790, to take an oath of allegiance to the new constitution, which of course included the Declaration, the colonial deputies hastily secured a statement from the President that the oath bound them only as individuals, not as representatives of the colony, and part of them took the oath with the reservation, "I swear only in my own name." Garran, *op. cit.*, I, 66; Gazette de Paris, Feb. 7, 1790.

application. Had it been merely a statement of the hard-earned historic rights of Frenchmen, like the English Bill of Rights, it would have been possible to except the colonies from its provisions, and no doubt the Assembly would ultimately have done so. But a statement of the inherent rights of man admits of no geographical circumscription, even at the hands of a sovereign constitutional convention, so it was left for circumstances to determine what weight the Declaration would have in the slave-holding colonies.

It appeared now as though a trial of strength on the question of abolition was imminent, but for some reason Mirabeau and his associates suddenly lost interest and allowed the question to disappear from the field of controversy. Apparently they decided that there was some truth in the contention that immediate abolition would be disastrous, and so sacrificed their principles to their prudence. Whatever the reason, from this time the Friends of the Blacks limited their ambition to the abolition of the slave trade and the establishment of civil and political rights for the free negroes. Their opponents continued to overwhelm them with abuse as advocates of abolition, while the Friends of the Blacks vigorously denied that they had any thought of such a thing, and accused their opponents of demolishing a man of straw.[19]

This continued to be true throughout the period of the Constituent and Legislative Assemblies, no further motion or address looking toward abolition ever being made on the floor of either of these bodies.

Concerning the statesmanship of this position there can scarcely be dispute, for there is no question that the immediate grant of full liberty in colonies with a population nine-tenths of which was composed of ignorant Africans would have hurled the whole mass back into savagery. But the moderate temporizing attitude which leads to this conclusion cannot be reconciled with the principles of the revolution and of the

[19] The following quotations indicate the attitude of leading Friends of the Blacks on the emancipation question:

"Je ne viens point vous dire ici de briser les fers de ces esclaves infortunés; une liberté inconsiderée seroit pour eux le plus funeste present." Pétion, speech written to deliver Oct. 12, 1790, not delivered. Oeuvres, III, 139-180.

"Nous croyons qu'affranchir submitement les esclaves noirs seroit une oppression, non-seulement pour les colonies, mais que dans l'état d'abjection et de nullité ou la cupidité a reduit les noirs ce seroit leur faire un present funeste." Adresse de la Société des Amis des Noirs de Paris à l'assemblée nationale, redigée par E. Clavière, 108.

philosophy of which the revolution was an expression. By the gospel of Jean Jacques, by the Declaration of Rights, by all that the revolution held most sacred, the black man was entitled to his freedom, and neither the Friends of the Blacks nor their more candid opponents claimed that the peculiar difficulty of granting him his freedom made the maintenance of his slavery any less immoral. They simply sacrificed morality to expediency. The fatal results of this sacrifice will become apparent as we trace the sequel.

## CHAPTER IV

### The Attempt to Secure Representation for the Free Mulattoes

During the six months following the Declaration of the Rights of Man, the two questions of the status of free negroes and the abolition of the slave trade obtained a fair amount of public attention, in spite of the larger questions which were continually thrusting themselves before the people. It will be necessary to trace the two movements separately for though they were supported by the same philanthropists and opposed by the same interests, their active management fell to different lobbyists and they had little direct connection with one another. First let us trace the efforts of Raimond and his friends to secure social and political recognition for the free colored population.

Raimond, as has been noted, appeared at Versailles about the middle of July, 1789. He first consulted the Minister of Marine, through whom he obtained several interviews with the colonists who were meeting at the home of the Count Massiac. Raimond's program as presented to these planters was moderate: freedom for the children of slave mothers by white fathers, civil rights for mulattoes already free, and abolition of the slave trade.[1] Nothing came of the discussions, though Raimond claimed that the Club seriously considered supporting the mulattoes' cause till they saw that the latter were too loyal to France to fall in with the planters' schemes of virtual colonial independence. It appears more probable, from Malouet's account, that the planters were merely trying to delay Raimond's plans.[2]

The next move of the mulattoes was a bold one. They drew up a cahier embracing a wide range of demands for reform and including a request for the admission to the Assembly of deputies representing the free colored citizens.[3] Then they held an election and began a serious campaign for the admission of their representatives. On October 22d

[1] Raimond, Véritable origine, 16, 17. Déschamps, Les Colonies pendant la révolution, 209-10.

[2] Malouet, Mémoires sur les colonies, IV, 11-12. Extrait du procès-verbal de l'Assemblée de citoyens libres et proprietaires de couleur des isles et colonies Françoises, constitués sous le titre de colons americains.

[3] Brette, Les gens de couleur libres et leurs députés en 1789, Rév. fr., XXIX, 331. Cf. Extrait du Procès-verbal, cited above.

there appeared at the bar of the Assembly a body of mulattoes, representing themselves to be owners of property in the colonies, and asking that five of their number be admitted to represent the free colored population of the West Indies. Through De Joly, a white lawyer who acted as their spokesman, they presented a long pompous address, from which an extract may be of interest:

"The free citizens of color, proprietors, of the French Isles and colonies have the honor to represent to you: That there still exists in this Empire a class of men despised and degraded; a class of citizens condemned to degradation, to all the humiliations of slavery—in a word, Frenchmen who groan beneath the yoke of oppression. . . . The Estates-General have been summoned. . . . The cry of liberty has sounded in the other hemisphere. It ought, no doubt, to have stifled even the memory of these outrageous distinctions between the citizens of the same country; it has only made them the more odious. For the ambitious aristocracy liberty is only the right to dominate, without restraint, over other men. The white colonists . . . have grasped for themselves the right of holding assemblies and electing representatives for the colonies. . . . Thus the citizens of color find themselves represented by the deputies of the white colonists, when it is evident on the one hand that they have not . . . delegated any power to these deputies, and on the other hand that the divergence of their interests would make such a representation absurd. . . . Under the instruction of the Declaration of the Rights of Man the colored colonists have learned what they are; they have risen to the dignity you have given them; they have learned their rights and made use of them. They have met, drawn up a cahier which contains all their demands. . . . They have charged their deputies with it, and now they ask in this august assembly a representation which is necessary that they may uphold their interests against the tyrannical pretentions of the whites."

The orator then made a patriotic offering of one-fourth the mulattoes' income, estimated to amount to six million livres, and two per cent of their property, and closed with an effective appeal to the principles of the Declaration of Rights.[4]

The President of the Assembly replied: "No part of the nation shall ask in vain for its rights before the Assembly of its representatives; those whom the breadth of the seas or prejudices concerning differences of

[4] This discourse, by order of the National Assembly, was printed in full in the Procès-verbal. (No. 105, 2-9)

origin seem to place farther from its sight shall be brought near by those sentiments of humanity which characterize all its deliberations and animate all its efforts." The hearty applause which followed the address of the deputation and the reply of the President showed that the mulattoes had made a successful appeal. They were granted seats of honor, and their papers were referred to the Committee on Credentials.[5]

A legal-minded assembly would of course have ignored the mulattoes' claim. But the National Assembly was anything but legal-minded, and the deputation actually came very near securing seats. They probably would have succeeded if the question had reached an early vote. Against them it was argued that their credentials were issued by no legally constituted elective bodies, that neither the deputies nor the electors had been in the West Indies recently, and that a gathering of mulattoes in Paris could in no legal or moral sense claim to be the authorized mouthpiece of the colored population of the islands. Moreover the Assembly had already fixed the number of deputies to be allowed the principal West Indian colonies, and the deputations were full.[6] But the mulattoes retorted with a "tu quoque," showing that in the case of the Martinique and Guadeloupe deputies[7] the elections took place in Paris, that none of the colonial deputies were chosen by really representative bodies, and that the Assembly had repeatedly chosen to dispense with legal formality rather than leave any part of the nation unrepresented. The lack of proper credentials the mulattoes explained by the necessity for haste if they were to participate in making the constitution, and by the fact that all assemblies were strictly forbidden by law in the colonies.[8]

The committee on credentials, of which the Abbé Grégoire, a valiant Friend of the Blacks, was a member, discussed the case at eleven sessions, and finally voted to recommend the admission of two colored deputies.[9]

This report for some reason never reached the Assembly. Grégoire says simply that it was prevented by "*des brigues et des cabales.*"[10] Rai-

[5] Procès-verbal, No. 105; Le Hodey, V, 136-9; Raimond, Véritable origine, 18, 19. Cf. also Courrier de Provence, No. 56, 14-5; Point du jour, III, 409-10; Journal des débats et de décrets, No. 74, 2.

[6] Cocherel, Observations à l'Assembleé nationale sur la demande des mulâtres.

[7] Two deputies had been admitted for Guadeloupe on September 22d and two for Martinique on October 14th.

[8] The case of the mulattoes is best stated in their "Lettre . . . à MM les Membres du comité de verification . . . " reprinted Arch. parl., X, 329-33.

[9] Grégoire, Lettre aux philanthropes, also speech of May 11, 1791, Moniteur, VIII, 367. Cocherel, *op. cit.*, 3. Raimond, Véritable origine, 19.

[10] Moniteur, *loc. cit.*

mond says that the reporter tried twice to present the report of the committee but could not make himself heard above the din raised by the colonists and their friends.[11] If this is true, and it is not inconsistent with the parliamentary methods of the Assembly, it shows that organized work had been done by the conservatives since the mulattoes received their ovation in October.

On December 3d Grégoire tried to bring up the report in connection with another colonial question. A colonial deputy had moved to create a colonial committee of twenty, of whom half should be colonial deputies and half merchants engaged in colonial trade. This evoked a very lively debate, involving the whole controversy between the Massiac Club and the colonial deputies in regard to the Assembly's authority over the colonies. At the beginning of the discussion the President allowed the Assembly to hear a petition from Bordeaux for a law pledging the Assembly never to interfere with slavery, while at the same time he suppressed a petition from the mulattoes objecting to the creation of a colonial committee.[12] At this point the Abbé Grégoire raised the question of representation for the mulattoes, and kept the floor in the face of vigorous efforts to drown out his voice with shouts of "Order! Order!" Finally securing attention he cried: "If there is in the colonies a class of citizens who have grievances to be redressed, observations to offer, a constitution to demand; if these citizens have all the qualifications which you demand for active citizenship; and if nevertheless they are not represented, surely they have the right to expect from your justice that they be admitted to representation." "Who will defend in this committee an unfortunate race which they (the colonists) have oppressed for more than a century and wish to continue to oppress." The abbé's appeal evoked no response; the question he raised was held to be irrelevant, and the discussion proceeded on the main question.[13]

[11] Véritable origine, *loc. cit.*

[12] Supplique . . . sur la motion faite le 27 novembre par M. de Curt, etc., 30. Point du jour, V, 9-11. Le Hodey, VI, 273.

[13] Le Hodey, VI, 277-8; Brette, *op. cit.*, Rév. fr., XXIX, 385-6; Point du jour, V, 14. The decision was adverse to the appointment of the special committee, but it does not appear that this result indicates in any way the attitude of the assembly toward the negro question, as has sometimes been assumed. The main purpose of the colonists in asking for the committee was to prevent colonial questions, particularly race questions, from coming before the assembly, but the chief opposition came from proprietors, who opposed the representation of the colonies and did not wish to see the influence of the deputies enhanced. The Assembly as a whole evidently did not under-

No further attention, apparently, was given the question of mulatto representation by the Assembly. Just how long the colored citizens continued their attempt to seat their deputies we cannot tell, but they probably gave it up before March.[14] If the attempt had not been abandoned before that time, the creation of a committee on colonies in March and the subsequent attempt to make a separate colonial constitution killed the issue. Before taking up these developments, however, it will be necessary to review the other line of effort pursued by the Friends of the Blacks in the autumn of 1789, the attempt to prohibit the African slave trade.

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stand the points at issue. Cf. Letter of the Secretary of the San Domingo deputation to the Massiac Club, Jan. 22, 1790, Garran, *op. cit.*, I, 125.

[14] Cf. Clarkson, op. cit., II, 149.

## CHAPTER V

### The Attack on the Slave Trade

Mention has been made of the coming of Thomas Clarkson to Versailles in August, 1789, in the interest of the British Committee for the Abolition of the Slave Trade.[1] His first steps were taken through the cooperation of the Society of the Friends of the Blacks. Condorcet, Brissot, and another member were delegated to accompany Clarkson in seeking an audience with Necker, and a letter was addressed to the President of the National Assembly, asking him to appoint a day for hearing the cause of the negroes. The attempt to secure a hearing from the Assembly proved fruitless, but Necker showed a considerable degree of interest. The merchants and planters became alarmed and began a counter-agitation. Clavière and Clarkson received anonymous letters threatening them with assassination, and spies were hired to attend the committee meetings of the Friends of the Blacks.[2] A rumor was started that the Friends of the Blacks were about to send muskets to the negroes of San Domingo and foment an insurrection there, and the rooms of the committee were searched by soldiers. Clarkson was repeatedly accused of being a British spy.

After about seven weeks of fruitless effort, Clarkson began a personal canvass of the Assembly. He arranged for a small meeting of persons interested, and secured the attendance of Siéyès, La Rochefoucauld, and Pétion, from the National Assembly, and Condorcet, Clavière, and Brissot from the Friends of the Blacks. The question to be settled at this meeting was whether it would be better to push forward the question of the slave trade at this time, or postpone it till the meeting of the first Legislative Assembly, which it was then believed would occur by March, 1790. It was feared by some that the revolutionary movement might be injured by coupling it with the question of the slave trade, converting the sea-port towns which had an interest in the trade into enemies of the Revolution, and enabling counter-revolutionists to claim that the interests of France were being sacrificed to those of England. Clarkson,

[1] The following account of Clarkson's activities is based chiefly on his own narrative, *op. cit.*, II, 123-60.

[2] Cf. an anonymous letter threatening journalists who should print anything concerning the negroes, Moniteur, III, 168.

less concerned than the rest about the effect of their activity on the Revolution, asked whether the question could be carried with more or with less difficulty in the coming legislature. The answer illustrates well the amazing faith of the men of the Revolution in the efficacy of institutional reform. Clarkson was told unanimously "that there would be no greater difficulty in one than in the other case; for that people would daily more and more admire their constitution; that this constitution would go down to the next Legislature, from whence would issue solid and fixed principles which would be resorted to as a standard for decision on all occasions. Hence the slave trade, which would be adjudged by it also, could not possibly stand. Add to which that the most virtuous members in the present would be chosen into the new legislature, which, if the constitution were but once fairly established would not regard the murmurs of any town or province."[3] It was therefore decided not to push the issue till the meeting of the next Assembly.

Clarkson was about to return to England, but on consulting Mirabeau and La Fayette he found them both opposed to the postponement of the fight. Mirabeau offered to manage the bill in the Assembly, and asked Clarkson to furnish him the details to complete a speech on the subject which he had already begun.[4]

For the next six weeks Clarkson labored with amazing industry at the task of supplying ammunition for Mirabeau's artillery. For a month he wrote a sixteen or twenty page letter every other day. Over a thousand elaborate plates representing the detailed plan of a slave ship, a French edition of the Essay on the Impolicy of the Slave Trade, and much other material, were sent from England for distribution among the members of the National Assembly. In the work of distribution there participated most of the revolutionary leaders already mentioned as being

[3] Clarkson, *op. cit.*, II, 138-43. (Quotation marks Clarkson's.)

[4] La Fayette, who was not consulted till after this arrangement was made, gave a very characteristic comment: "Mirabeau is a host in himself, and I should not be surprised if by his own eloquence and popularity he were to carry it, and yet I regret that he has taken the lead in it. The cause is so lovely that even ambition, abstractly considered, is too impure to take it under its protection and not to sully it. It should have been placed in the hands of the most virtuous man of France. That man is the Duke of La Rochefoucauld. But you cannot alter things now. You cannot take it out of his hands. I am sure he will be second to no one on this occasion." (Clarkson, *op. cit.*, II, 144-6.)

One is tempted to inquire whether La Fayette would not have been gratified if Clarkson had courteously transferred the halo of superlative virtue from the brow of La Rochefoucauld to his own.

interested, together with Necker, Madame Necker, the Marchioness de La Fayette, and other persons of prominence. Clarkson had numerous interviews with Necker, and even the king became personally interested.

While this agitation was proceeding, the opposition also increased its activity. Offers of money were made to Mirabeau if he would abandon the cause, and literature in opposition to Clarkson's was circulated in abundance.

One of the most significant results of the contest was the alliance it brought about between the planting interests and the commercial cities. The interests of the planters and the merchants of France were diametrically opposed in regard to the regulation of colonial commerce and there existed between them an ancient hostility. But the merchants, like the planters, were financially interested in the slave trade and in the maintenance of peace and order in the islands, and the specter of a slave insurrection, paraded before them as the inevitable result of any interference with the existing relations of mulattoes and whites, confirmed by reports of disorders in Martinique, brought them into an unstable alliance with the planters. Thus we find that the Massiac Club after trying in vain to secure from the ministry an order prohibiting the return of mulattoes from France to San Domingo, wrote to the principal seaports urging the owners of ships to refuse passage to these mulattoes, and obtained from several ports a pledge of compliance.[5] This promise was being observed in the summer of 1790.[6] The colonial deputation likewise began to cultivate friendly relations with the merchants, as is witnessed by their proposal to include ten merchants in the colonial committee.[7] Through the influence of the deputies and through the activity of the Massiac Club, which had established branches in the commercial cities, these cities were aroused to action, and petitions began to rain in on the Assembly, protesting against any interference with vested interests.[8]

[5] Procès-verbal of Massiac Club, cited by Déschamps, Les colonies pendant la révolution, 208. Cf. letter of the San Domingo deputation, above, pp. 14-5.

[6] Brette, *op. cit.*, Rév. fr. XXIX, 400.

[7] "Leurs députés à l'Assemblée nationale, toujours nos adversaires sur leur interêt personnel, le régime exclusif du commerce, ont senti que cet interêt les forçoit de se reunir à nous sur tous les autres points, et leur influence nous a servis heureusement." Correspondence of the San Domingo deputies, quoted Garran, *op. cit.*, I, 126.

[8] Procès-verbal de l'Assemblée nationale, Jan. 21, 1790, 23; Jan. 14, 1790, 5; Feb. 6, 1790, 20. Gerbaux et Schmidt, Procès-verbal du comité d'agriculture et de commerce, I, 95, 111, 115, 131, 134, 135, 143, 171, 196.

The Friends of the Blacks, on the other hand, neglected to avail themselves of the right of petition. Aside from addresses submitted by the Society itself and by the mulatto organization, a single short and moderate paragraph buried in a long general address on liberty[9] appears to be the only appeal on behalf of the negroes which was received by the Assembly. It was not till the Jacobin Club at a later date took up the negroes' cause that the planting interests had to contend with political forces as well organized as their own.

In this contest for the support of public opinion the conservatives won. Clarkson's account of events in the early winter shows that the cause of the negroes was losing ground, and the correspondence of the San Domingo deputation bears witness to the same change. At first they admitted that the majority of the Assembly were against them[10] but on January 11th they wrote:

"This new spirit . . . manifested itself in the session of December 3d. Since that time the alarming news from the colonies has only confirmed and increased it, and we are certain now that there is nothing to fear concerning abolition; we have also very little anxiety about the suppression of the slave trade."[11]

Most of the petitions were referred to the Committee on Agriculture and Commerce, which was unfriendly to the negro cause. On February 19th this committee approved a bill which disclaimed any intention on the part of the Assembly to interfere with the existing régime in the colonies or their commerce, but instructed its reporter to withhold the bill unless the question should come up in the Assembly.[12]

This was the most discreet policy the defenders of the trade could adopt, for they had everything to lose by precipitating a discussion. Some of their partisans, however, could not be restrained. At the evening session of February 25th there appeared before the Assembly two deputations, one from the "patriotic army" of Bordeaux, the other from the "extraordinary deputies of commerce" of the kingdom, who presented addresses praying for a specific sanction of the slave trade. The orator from Bordeaux presented the stock argument for slavery, familiar enough to students of American history, heard now for the first time by the Assembly whose watchword was liberty:

[9] Procès-verbal, No. 167, 22.

[10] Garran, *op. cit.*, 124.

[11] *Ibid.*, I, 127.

[12] Gerbaux et Schmidt, *op. cit.*, I, 153-4.

"The colonies cannot exist without slavery and the slave trade. The commerce of France would be annihilated if the colonies ceased to exist. Commerce is the necessary agent of navigation, agriculture, and the arts. Abolition of slavery and of the slave trade would mean the loss of the colonies; the loss of the colonies would strike a mortal blow at commerce, and the ruin of commerce would paralyze navigation, agriculture, and the arts."

He drew an alarming picture of the misery which reigned at Bordeaux and the tremendous falling off in its commerce—1419 fewer vessels in 1789 than in 1788—and attributed the depression to the uncertainty concerning the future of the slave trade. "Five million Frenchmen," he proceeded, "live only by the commerce which the colonies support. They yield an annual income of over two hundred millions and . . . a balance of twenty-four millions in our favor. . . . The slave trade is carried on by all the peoples who have possessions in the Antilles; if France ceased to carry on the trade the treatment of the negroes would only become the more cruel, for our laws and customs in this trade are distinguished by their humane character. . . . Yet a dangerous sect . . . under the imposing name of Friends of the Blacks, is spreading everywhere the poisoned breath of its doctrines."

Then, after a discussion of the alleged danger of a slave insurrection, came the supreme effort, the appeal to the Declaration of the Rights of Man:

"You have declared sacred the right of property. But would not the property of the colonist be destroyed by the compulsory liberation of his slaves? Would the property of the merchants be protected when four hundred millions advanced to the colonists have no other security than their property and their industry? How could the merchant then pay his obligations to his creditors, the farmer and the manufacturer? The complete ruin of the empire would be the result."[13]

The deputation offering this address appeared in arms, supported by the municipal officers of Bordeaux, two hundred electors of the *senechaussée* of Guienne, and the directors of the Chamber of Commerce.[14] The extraordinary deputies of commerce[15] followed with a more extended attack on the Friends of the Blacks.

[13] Le Hodey, IX, 82-7.

[14] Courrier de Provence, No. 109, 425-6.

[15] These were unofficial representatives of various commercial organizations. They had received recognition from the Assembly and authorization to coöperate with the Committee on Agriculture and Commerce. (Begouen, speech of May 22, 1791, Moniteur, VIII, 472-3.)

It was clear at once that the Assembly was in a very difficult position. As *Point du jour* put it,[16] "to reassure commerce without insulting humanity; to reconcile mercantile interests with social interest; to prepare for liberty both the men who ought to receive it and those who ought to grant it," this was the insoluble problem forced on the Assembly.

The President, Talleyrand, replied cautiously that the Assembly would make an effort to reconcile these great interests with the principles of the new constitution. This reply was received with murmurs by the right, and particularly by the deputies from Guienne, the principles of the new constitution apparently not being what the petitioners wished to have applied to the case.[17] After a short discussion it was voted that the addresses should be taken up for discussion on March 1st, along with reports which had been received concerning civil disorders in San Domingo and Martinique.

On the next day, February 26th, the question was debated at the Jacobin Club. Mosneron de l'Aunay, one of the extraordinary deputies of commerce, delivered an address, in which he defended the slave trade on the ground that statesmanship demands a different standard of morals from private conduct, and that in public policy the interests of commerce and industry must take precedence over individual rights.[18] Mirabeau delivered his great speech against the slave trade, or some part of it, and made a bad impression.[19] This debate seems to have settled the question in the minds of a controlling portion of the Assembly.

On March 2d the Committee on Reports presented a long ill-digested report, and recommended the creation of a colonial committee to give the questions further consideration. Cocherel, deputy from San Domingo, then moved to divide the material, taking up the petitions on the slave trade for immediate action and referring to the new committee only the reports of civil disorders in the colonies. The Abbé Maury supported this motion, claiming immediate action on the petitions was necessary to restore confidence to commerce and prevent bankruptcy,

[16] VII, 229.

[17] Le Hodey, IX, 29-30. Cf. Gazette de Paris, Feb. 28, 1790, 3: "De l'ouvrage et du pain, voila ce que disent les individus; que leur répondre à cela. . . . Quand nos Colonies auront renoncé à leur mère-Patrie, que nous restera-t-il? Vos loix sublimes." "Dela de grands et beaux raisonnemens, dans lequels on veut toujours raméner le système du Commerce et le régime Colonial des sublimes dissertations d'une metaphysique profonde."

[18] Aulard, La Société des Jacobins, I, 9-17.

[19] *Ibid.*, I, 74. Duquesnoy, *op. cit.*, II, 440, 446. For the speech see Oeuvres de Mirabeau, VII, 121-209.

but it was lost by a vote of 343 to 310, and the original motion was carried without a division.[20] The close vote on the motion to discuss the slave trade immediately gives no indication of the relative strength of the anti-slavery and pro-slavery parties, for the opposition was made up of divergent elements, opponents of the slave-trade voting with those of its friends who thought it inopportune to open the question at that time. Alexander Lameth says that Maury's "intention was to put the Assembly in the dilemma of either alienating public opinion by endorsing slavery by law, or raising up against itself all the commercial interests by prohibiting an abuse which was no doubt odious in itself, but the sudden suppression of which would have brought frightful disasters."[21] Duquesnoy puts the same interpretation on the Abbé's motion, adding that he said, "I will compel you to decree the freedom of the slaves; it is a necessary consequence of your principles. Commerce will be ruined; bankruptcy will follow, and you will all be hanged."[22] Clarkson says[23] that Mirabeau made a canvass of the Assembly, and found that he could count on only about three hundred members. He decided, therefore, not to deliver the great speech which had cost Clarkson so much labor.

The new committee was elected on March 3d. Two colonial deputies, three colonial proprietors, and five representatives of commercial cities found places on it, while none of the prominent opponents of slave-holding interests were chosen.[24] Of the twelve members only two, Barnave and Alexander Lameth, were men of prominence, but these two were members of the famous triumvirate which led the left center and played such a prominent part in the making of the constitution of 1791. As Barnave was elected reporter of the colonial committee and gave a great deal of attention to its business, the policy of the committee may be regarded as that of the triumvirate, and the development of the negro question from this time bears a close relation to the changing attitude

[20] Procès-verbal, No. 217, 4-7. Journal des débats et des décrets, No. 190, 4-8. Moniteur, III, 513.

[21] Histoire de l'Assemblée constituante, II, 21, n.

[22] This sounds very much like the incorrigible abbé, who it will be remembered, voted against the veto lest it might make the constitution workable. He later proved himself a valiant defender of the slave-holding interests, but would probably have been perfectly willing to sacrifice them to put the Assembly in an unpopular position. "C'est un des hommes les plus profondement scelerats qui existent," adds Duquesnoy. Journal, II, 438.

[23] *Op. cit.*, II, 158, 163.

[24] Garrett, The French Colonial Question, 48-9.

of the left center, the most powerful party in the Assembly, toward larger issues.

The committee made its first report on March 8, 1790. This report analyzed the papers referred to the committee as falling into three classes —matters concerning the form of colonial government, complaints and petitions concerning the trade regulations, and "false interpretation of the principal decrees," the last expression referring to the uneasiness concerning the application of the Declaration of Rights to the colonies. Action concerning the first and second points, the committee advised ought to wait for official expression of the desires of the colonies; upon the third point the Assembly, since it had made no innovation, ought to say so definitely and allay apprehension. They proposed a law, therefore, which may be summarized as follows:

The National Assembly declares that it has never intended to include the colonies in the constitution which it has decreed for the kingdom, or to subject them to laws which might be inconsistent with their special local needs. Consequently, (I) every colony is authorized to make known its wish concerning its constitution and laws; (II) in colonies where there already exist assemblies freely elected, they may formulate the will of the colony; elsewhere assemblies shall be chosen for that purpose; (III) an instruction concerning the election and organization of these assemblies will follow; (IV-VI) plans of local government and suggested changes in trade laws shall be submitted by these assemblies to the National Assembly, and tentative modification of national laws may be made by the colonial assemblies. Finally "the National Assembly declares that it has not intended any innovation in *any branch of commerce*, direct or indirect, of France and the colonies, places the colonists and their property under the special protection of the nation, and declares criminal anyone who shall attempt to excite any uprising against them."[25]

The hall resounded with applause when the report was finished, and there was a general demand for an immediate vote.[26] A journalist describes the scene which followed: Mirabeau and Pétion alone mounted the tribune, and the former insisted that he be heard, "but the assembly, which knew already what he could say in favor of humanity, morality and justice in such questions, appeared rather concerned to support agriculture and commerce than to establish principles which time and

[25] Procès-verbal, No. 223.

[26] Moniteur, III, 554.

the progress of enlightenment alone can bring without inconvenience and without aid."[27] Duquesnoy's description of the scene is still more vivid: "The Count of Mirabeau followed him (Pétion) and presented himself; new outcries more violent than ever. I cannot depict the fury which inspired the Count of Mirabeau; it was painted in his whole figure, and I heard him cry to those around him, "Cowardly scoundrels that you are!" But in every quarter of the hall was heard: "He wants to lose everything! What does he care if France is ruined? He is no citizen. He has his money, so now he would let us go. . . . No one can say you are not trying to earn your money."[28]

The Duke of La Rochefoucauld and the Abbé Siéyès also tried to speak, but the uproar continued until the President was compelled to put the question of closing the discussion, which passed, and a moment later the decree itself was carried by an overwhelming vote. Thus without consideration or debate the Assembly closed the door of hope to the opponents of the slave trade.[29]

[27] Point du jour, VII, 344.

[28] *Op. cit.*, II, 444-5.

[29] As noted above, the unwillingness of the Assembly to debate the question is to be explained, in part at least, by the fact that it had been discussed already in the Jacobin Club. Says a contemporary pamphlet: "ne fûs-je point étonné, quand cette affaire fut portée à l'Assemblée nationale, de voir qu'elle fût décidée sans avoir été prealablement discutée et que M. le comte de Mirabeau ne put jamais obtenir de répeter ce qu'il avait dit aux Jacobins; il pouvait paraitre inutile de perdre un temps precieux puisque la majorité des députés étaient deja fixés sur cette question qu'ils avaient pu approfondir dans leurs conferences particulières." Motion du Père Girard, Aulard, *op. cit.*, I, 74. This, I believe, was the first of the many occasions on which the Jacobin Club supplanted the Assembly as the real battle-ground of parties.

## CHAPTER VI

### Negro Suffrage

On March 10, 1790, the group of colored citizens whose activity was traced in a preceding chapter petitioned the National Assembly for a definite statement whether they were included in the decree of March 8th.[1] This petition marks a turning point in our story. The question of the slave trade had been disposed of by the law of March 8th, and the admission of colored deputies to the Assembly was now recognized to be impossible; the next undertaking of the negroes and their friends was to secure a guarantee of political rights in the proposed constitution for the colonies. Upon this proposal it appeared as though the Friends of the Blacks might fairly hope for success. The legal distinctions between white and colored subjects which had been maintained in the colonies under the old régime were no more marked than the distinctions between social groups which were being overthrown in France, and no important economic interest was directly involved in their maintenance. The prejudice of color being almost unknown in France, there seemed to be no logical reason why the free colored people should not obtain full civil equality with the whites. The only hope of the opposition, in fact, was to induce the Assembly to leave this and similar questions to be settled by the colonies themselves.

The first task of the new committee on colonies after the passage of the law of March 8th was to prepare the supplemental *Instruction* promised in that decree. In the preparation of this bill the committee accepted advice from both the Massiac Club and the colonial deputies,[2] but the mulatto lobby received a rebuff, due, says Raimond, to the influence of white colonists who were in constant attendance at the committee's sessions.[3]

[1] Brette, *op. cit.*, Rév. fr., XXIX, 400.

[2] Déschamps, Les colonies pendant la révolution, 88-9. Déschamps is evidently in error in stating that the Club had been in communication with Barnave since February 19th; the date is probably March 19th. He has confused the old "colonial committee," i.e., the organization of colonial deputies and alternates, with the new committee on colonies.

[3] Raimond, Véritable origine, 22.

The *Instruction* was reported on March 23d, and taken up for serious consideration on the 28th. It provided for the organization of parish assemblies to choose the members of colonial assemblies which should draw up tentative constitutions for sanction by the National Assembly and the king. Of the eighteen sections of which the Instruction consists, the fourth only is of interest for the purposes of this study:

" . . . all persons, twenty-five years of age or older, owners of real estate, or in default of this qualification being residents of two years' standing and tax-payers, shall meet to form the parish assembly."[4]

It should be noted carefully that neither this clause nor anything else in the *Instruction* fixes permanently the qualification for suffrage, or any other detail of colonial organization. The purpose of the parish assemblies referred to was simply to elect the colonial assemblies or ratify those already in existence. These colonial assemblies were to draw up constitutions for their respective colonies which would be ratified, if found acceptable, not by the parish assemblies but by the National Assembly and the king. The only purpose of the Instruction, therefore, was to provide a legal procedure for the organization of what we would call constitutional conventions. This point is of considerable importance, for it was afterward persistently asserted that by the phrase "all persons" in the *Instruction* the Assembly had conferred the franchise on the colored citizens.[5]

[4] Procès-verbal, March 28, 1790.

[5] Whether the clause was intended to give the free negroes the suffrage for this particular election is a more difficult question. The evidence is as follows: Raimond says (Véritable origine, 23) that the clause as originally drawn by the committee contained the word "citizen," that he, with others, attempted to get it changed to "free citizens," or "every citizen, no matter what may be his color," and that Barnave told them that the Assembly knew no distinctions and could not use terms which would seem to recognize them, but finally consented to use the expression "all persons." While the Instruction was under discussion, Grégoire criticised Article IV as being ambiguous, but said he would refrain from forcing the issue because Arthur Dillon, deputy from Martinique, had told him that under this article the colored citizens would be summoned to the parish assemblies. Cocherel immediately proclaimed that no such interpretation would be accepted by the San Domingo deputation. Charles Lameth, a colonial proprietor and a member of the Massiac Club, said, "This article satisfies everybody, and as a long discussion might give rise to doubts and errors, I move that the discussion be closed on such an obvious point." *Point du jour*, VIII, 223-4. Cf. Le Hodey, X, 39; Moniteur, III, 732-3; Journal des débats et des décrets, No. 225, 6; Courrier de Provence, VII, 197-9; Gazette de Paris, March 30, 1790, 8. Barnave's explanation, given a year later, was that the article was intentionally left ambiguous because the committee did not wish to prejudice either side of the case. (Speech of May 11, 1791, Moniteur, VIII, 375.)

If the other provisions of the Instruction had been observed it would have made little difference what interpretation was placed on Article IV. The colored citizens, if admitted to the parish assemblies, certainly could not have controlled the colonial assemblies, and there the white citizens could have fixed the suffrage qualifications for the future. Or, if a colonial assembly, after being ratified by the votes of parish assemblies from which the colored citizens were excluded, had peaceably prepared a constitution and submitted it to the National Assembly for ratification, the fact that certain voters had been excluded from the parish assemblies would not have invalidated its work. Thus the question could have been settled without placing the National Assembly in a position where it would have to choose between violation of its principles and alienation of much needed support.

Instead, however, of taking some such course as this, the colonial assembly of San Domingo started on a high-handed course of usurpation which forced the National Assembly again and again to interfere, giving the Friends of the Blacks repeated opportunities to bring the negro question to the front and make capital out of the white colonists' misconduct.

This colonial assembly was of entirely irregular origin. Separate provincial assemblies were elected in 1789 without any legal authorization in each of the three provinces into which San Domingo was divided. These three provincial assemblies then agreed upon a plan for the election of a colonial assembly. The assembly thus elected completed its organization at St. Marc on April 15th, 1790, before the arrival of the March laws. It immediately displayed an extraordinary spirit of independence. It took the style, "*Assemblée generale de la partie française de Saint-Domingue,*" and decorated its meeting place with the motto: "*Saint-Domingue, la loi et le roi; notre union fait notre force.*" It summoned various military and civil officers to give account of their official conduct and ordered that all mail addressed to colonial officials should be opened by its President. It created committees on constitution, relations with the mother country, military affairs, commerce, finance, and other subjects, which straightway imitated those of the National Assembly by arrogating to themselves the responsibility for the administration of the government.[6] After the arrival of the law of March 8th the Assembly continued its course without regard either to the provisions of the law

[6] Garran, *op. cit.*, I, 161-70. Barnave, Report of October 11 and 12, 1790, Arch. parl., XIX, 546-70. Castonnet des Fois, La perte d'une colonie, 58.

or the protests lodged by the Governor, the Provincial Assembly of the North, and numerous private citizens. All its acts it put into effect at once, without sanction of Governor, National Assembly, or king. Finally, on May 28th it issued a decree providing a constitution for the colony, which declared that the colonial assembly had the sole right to legislate concerning the internal affairs of the colony, subject to no other veto than that of the king, and that in regard to relations between the colony and the mother country a new *contract* was needed. These principles were developed in terms which came perilously near to a Declaration of Independence, but a final article provided that the law should be submitted to the king and the National Assembly for acceptance. Later, in conformity to the *Instruction* of March 28th, but "*sans rien préjuger sur lesdites instructions,*" the assembly authorized the parish assemblies to vote whether its own existence should continue.[7]

The voting on this question continued through June, and though there were numerous charges of fraud and a good deal of disagreement as to the exact result, there seems to have been no question that the assembly was confirmed. Our chief interest in this election lies in the fact that the famous Article IV of the Instruction, if interpreted literally, was violated by the exclusion of the colored citizens from the parish assemblies, in accordance with an interpretation sent to San Domingo by some of the colonial deputies in the National Assembly, and promulgated by both the Governor and the colonial assembly. This exclusion caused no disorder during the elections, but soon afterward several protests were issued by the colored citizens, and later the claim was frequently advanced that the Assembly of St. Marc could not legally express the will of the colony, since it had not been ratified in accordance with the *Instruction* of March 28th.[8]

After the confirmation of the Assembly matters rapidly approached a crisis. The Assembly of St. Marc issued another volley of decrees, imposing a special oath of fidelity to itself upon all administrative officers and soldiers in the colony, changing the trade laws, and in other ways manifesting a spirit of independence. The Governor refused to recognize its authority, and on August 7th sent an armed force to dissolve it. Unable to resist, the Assembly took an extraordinary step. Eighty-five of its members hastily boarded the "Leopard," the one warship whose crew had supported them against the Governor, and sailed for France to

[7] Barnave, Report previously cited, Arch. parl., XIX, 546-70.

[8] Barnave, Report previous cited. Mills, Early Years of the Revolution in San Domingo, 66. Raimond, Véritable origine, 23-4. Garran, *op. cit.*, II, 39-40.

appeal to the National Assembly. They arrived about September 19th, and the colonial committee, which was busy with reports of the earlier disorders, had now to straighten out the tangle of intrigues and make a recommendation to the Assembly.

On October 11th and 12th the committee, through Barnave, submitted a very careful report, giving a detailed history of the colonial assembly and censuring its conduct severely, though exclusion of the free negroes from the suffrage was not mentioned among its offenses. He proposed a law which should dissolve the assembly, nullify its acts, and order new elections. The eighty-five were to be required to await future action with regard to their personal responsibility.[9]

The most significant thing about the proposed law, from the point of view of the present study, is a clause in the preamble: "Whereas, the National Assembly has . . . announced in advance . . . the firm intention to establish as a constitutional article, that no laws upon the status of persons shall be decreed for the colonies, except upon the precise and formal demand of their colonial assemblies, . . ." This is a very extraordinary statement, for the National Assembly had never made any such announcement as it implies. The law of March 8th had authorized the colonies to make known their wishes concerning their constitution and laws, and had announced that the Assembly had no intention of subjecting them to laws inconsistent with their local needs, but no amount of legal acumen could discover in these provisions a promise to prohibit the Legislative Assembly from interfering with the "status of persons," except upon colonial initiative. Nor is it certain, though it is probable, that the Assembly could now have been induced to do so if the question had been presented fairly. At least the proposal would have aroused discussion, which the colonial interests were trying zealously to avoid. By concealing a constitutional feature in the preamble of an innocent and relatively unimportant law, to which it was entirely irrelevant, the principle of colonial initiative was to be enacted into somewhat ambiguous law, and in future it could plausibly be urged that the Assembly was under moral obligation to enact legislation to fulfill the pledge.

This clause could not have withstood criticism, had opportunity for it been allowed. But after several members had tried without success to secure a postponement till the report and the bill could be printed, Grégoire, Pétion, and Mirabeau demanded the floor. The appearance

[9] Report previously cited, Arch. parl., XIX, 546-70.

of these Friends of the Blacks put an end to the deliberation. A great tumult arose. Cocherel and Gouy d'Arsy, of the San Domingo deputation tried to speak, but the Assembly refused to hear either the partisans of the negroes or their opponents, and the law was passed by an overwhelming vote.[10] Unable to secure a hearing from the assembly, the Friends of the Blacks resorted once more to the press, and brought out several of the most noteworthy polemics of the whole controversy, the circulation of which went far to destroy the popularity of Barnave and his associates.[11]

On November 29th, Barnave presented a report on a miniature civil war between the planting and the commercial elements in the population of Martinique, which was made the basis of a new decree. This law provided, among other things, that an entirely new set of instructions for the political organization of all the colonies should be drawn up at once, that the colonial assembly of Martinique should be suspended, and that the king should be asked to send four commissioners to the West Indies with 6,000 troops, with full power to suspend all existing authorities and provide for the administration of the government of the colonies, pending receipt of the new instructions.[12] During the months which followed the passage of this law, the assembly gave little attention to the questions we have been considering. The colonial committee was busy with the task of preparing the new instructions, which proved a greater task than was anticipated. On January 20th, 1791, Barnave reported that the committee was holding three sessions a week to work on the instruction, that the extraordinary deputies of commerce, the colonial deputies and other influential colonists were being invited to these sessions, and that the work would soon be completed. The four commissioners for Martinique sailed February 5, and others were appointed for San Domingo in March. On April 5th, at Barnave's request the committees on agriculture and commerce, constitution, and marine were ordered to form a joint committee with the colonial committee to complete the instruction for the colonies.[13]

[10] Point du jour, XV, 141; Le Hodey XVI, 359; Journal des débats et des décrets, No. 468, 10; Moniteur, VI, 102-7.

[11] The Letter to Philanthropists of the Abbé Grégoire, published late in October in the Courrier de Provence, No. 208; an undelivered address by Pétion, also published in the same number; and Brissot's Letter to Barnave, published in the Patriote français, all reprinted as pamphlets.

[12] Moniteur, VI, 502-4.

[13] Moniteur, VII, 179-80; Garrett, *op. cit.*, 85-9; Procès-verbal, Apr. 5, 1791, 18.

Meanwhile, the mulattoes had made a vain effort to redress their own wrongs. Vincent Ogé, one of the mulatto deputies who had been seeking admission to the National Assembly, slipped out of France in the summer of 1790, and went to San Domingo. He immediately wrote to the Governor, demanding the enforcement of Article IV of the *Instruction* of March 28th. Getting, of course, no favorable reply, he organized an army of some six hundred men and started a rebellion. He was easily defeated by superior forces and his army scattered. He took refuge in Spanish territory, was given up by the Spanish as a criminal and barbarously broken on the wheel. Over twenty of his men were hanged, and a large number sent to the galleys for life or condemned to other penalties.[14]

No report of this affair was made to the National Assembly. In fact, from October, 1790, to May, 1791, the negro question came before the Assembly only once. On March 3d the Assembly listened to a letter from the mulatto lobby, asking that they be admitted to the bar, and authorized the President to admit them if he found their credentials satisfactory. This move evidently caught the colonial deputies off their guard, for no objection was made till the next day. Then Arthur Dillon, of Martinique, lodged a violent protest. "I wish," said he, "to speak in an assembly of legislators, not of philosophers, to stop a stealthy maneuver which aims to admit to the bar of the Assembly a deputation of the mulattoes. . . . I do not approve of prejudice; I simply ask you to remember the decrees you have already passed, and the troops you have ordered sent into the colonies. . . . If you admit this deputation, you will run the risk of having to send twenty times more, and still it would not be hard to prove that you will have no colonies. (Murmurs) I declare that in my opinion we are going to improve the condition of this class of men. . . . You will scorn the addresses of a Society of self-styled philanthropists, who if they were listened to would reduce France to a desert, a Society which has been willing to speak of it, and which is perhaps bribed." Violent protests arose, and the President warned Dillon against assertions without proof. Dillon continued: "Do not call me to order. I beseech the Assembly, if it desires the happiness of France, the prosperity of our manufacturers, and if it does not wish our territory flooded with blood, to suspend the admission of this delegation. . . . If the Assembly should admit the mulattoes to its bar, the colonies would be in revolt a quarter of an hour after they heard the news."

Pétion appeared at the tribune; an immediate vote was demanded. Pétion insisted on speaking. The Abbé Maury said, "I make a motion

[14] Garran, *op. cit.*, II, 42-7.

I have never made before in this Assembly, that the discussion be closed." Mirabeau appeared at the tribune, but before he could speak the Abbé's motion had been passed. Pétion demanded the floor to answer a slander. After a few minutes of utter confusion, with Mirabeau and Pétion struggling to be heard, the petition of the mulattoes were ordered sent to the colonial committee, and a motion to adjourn was carried over the protest of the President.[15] The next day the Society of the Friends of the Blacks demanded that the Assembly either censure Dillon for his imputations against them or deprive him of his immunity from prosecution. Dillon was absent, but his colleague, Moreau de Saint-Méry, read a pamphlet Dillon had written which purported to explain, but really did little more than reiterate his charges. Grégoire and Mirabeau attempted to speak, and there ensued another long period of disorder, with Mirabeau at the tribune facing shouts of "The order of the day!" "Adjourn the session!" Finally the President succeeded in putting the motion, and the Assembly voted to pass to the order of the day and immediately adjourned.[16]

Disappointed in their hope of obtaining redress through the Assembly, the Friends of the Blacks again resorted to their favorite weapon; they published another pamphlet. They reminded Dillon that the Assembly had already received a deputation of mulattoes and given them seats of honor, yet the colonies had not been plunged into revolt; and they demanded that he enumerate the writings of the society which had caused trouble in the islands, prove that the society had sent them there, and name the journalists who were probably subsidized to attack the Assembly's decrees.[17] The challenge received no reply.

This incident illustrates very well the character of the whole controversy from December, 1789, to the summer of 1791. The defenders of slavery, controlling the Assembly, relied chiefly on constant reiteration of the danger of plunging the colonies into revolt or losing them to England, and backed up their arguments with an effective use of disorder, while the Friends of the Blacks, who could rarely get a hearing from the Assembly, relied on the pamphlet, a weapon in the use of which they excelled.

The Friends of the Blacks were subjected to constant vilification. Reference has already been made to the charges circulated in 1789 and

[15] Procès-verbal, March 4, 1791, 17.

[16] Moniteur, VII, 556-7; Point du jour, XIX, 46-8; Dillon, Motifs de la motion faite à l'Assemblée nationale le 4 mars, 1791; Correspondance de Brissot, 263.

[17] La Société des Amis des noirs à Arthur Dillon, député de la Martinique à l'Assemblée nationale.

1790 that Mirabeau was in the pay of Pitt, and Clarkson was a British spy.[18] In 1790 the Massiac Club sent a representative to London to collect information concerning the Friends of the Blacks in that country. The envoy convinced himself that there was no truth in the theory that the English were trying to get France to act against the slave trade in order that they might reap the benefit, and reported that the aims of the society were really benevolent and disinterested.[19] Nevertheless the slanderous attacks continued, and the Friends of the Blacks were repeatedly accused, without a shred of proof, of sending inflamatory literature into the islands. Another accusation was that Grégoire, Brissot, Pétion, and Condorcet received large sums of money from Raimond for the assistance they gave him.[20]

Although, as has been stated, the Dillon incident was the only occasion on which the negro question came before the Assembly between October 12, 1790, and May 7, 1791, there was no cessation of political activity on the part of either the friends or the foes of the blacks. The winter and spring were a period of intense effort on the part of both factions, and the attitude of the public underwent a very important change. The planting interests realized that their only hope of keeping the free negroes from securing political rights lay in their alliance with the commercial cities. The maintenance of this alliance was more difficult than it had been during the previous winter, for the maritime cities had no such direct interest in the political subjection of the mulattoes as they had had in the slave trade. By parading before them the danger of a slave revolt as the inevitable result of any interference with existing conditions, and by making much capital out of the Ogé affair, a certain degree of cooperation was maintained. The "eighty-five" allied themselves with the Massiac Club and worked with them in perfect harmony. At the beginning of 1791 there was formed a commission of eighteen, six each from the eighty-five, the Massiac Club, and the extraordinary deputies of commerce, to prevent any legislation by the National Assembly on the status of persons. This alliance, however, soon broke down because the colonists tried to get the commercial depu-

[18] Cf. Duquesnoy, II, 446-7: "C'est une opinion très constante à Paris que le Comte de Mirabeau est payé par l'Angleterre pour porter l'Assemblée nationale a décréter l'abolition de la traite. . . . Tout est croyable d'un tel homme. Cependant . . . il me semble qu'il (i.e., Pitt) connait trop bien les hommes pour ne pas savoir que M. de Mirabeau n'a nulle influence dans l'Assemblée nationale. (March, 1790.)

[19] Garran, *op. cit.*, I, 103.

[20] Grégoire, Mémoires, I, 393.

ties to support them in demanding too large a degree of independence.[21] As usual, the colonial deputies worked independently of the Massiac Club, though they cooperated with the eighty-five. At a meeting of colonial deputies and members of the eighty-five and members of the Provincial Assembly of the North of San Domingo, on February 12th, 1791, it was voted to try to arouse the commercial cities, and Gouy himself wrote a circular, which, he says, from its character was not suitable for republication. Other colonists, individually or as organizations sent out similar communications to chambers of commerce and to manufacturers.[22]

The only one of these circulars which I have been able to consult is dated February 14, 1791, and is signed the "Extraordinary Deputies of the North and West of San Domingo." It runs as follows: "The colonies are lost unless all the cities of commerce, the manufacturers, and everyone who is interested in their preservation displays in this emergency the energy to discomfit the enemies of the state. . . . The freedmen are the only barrier between the slaves and the citizens, and in order that this barrier may remain unshaken the laws which relate to it must be prepared only in the colonies. . . . They (the Friends of the Blacks) know that to take from us the exclusive right to determine the status of the colored people is . . . to condemn to death a million people who dwell in the Antilles. It is the duty and the interest of all those who know these facts to place them under the eyes of the representatives of the nation with the same energy which obtained the law of March 28th. . . . Just as on that occasion, every commercial city and every manufacturing city should name extraordinary deputies who will join us in bringing to the National Assembly petitions demanding that in accordance with the agreement in its decree of October 12th the Assembly decree definitely as the first article of the constitutional charter which shall unite the colonies indissolubly to France, that the colonies alone shall have the right to initiate laws concerning slavery and the colored population."[23]

These efforts brought only an unsatisfactory response. At Nantes the Chamber of Commerce prepared a petition which was endorsed suc-

[21] Garran, *op. cit.*, II, 77-8.

[22] Gouy d'Arsy, Lettre à ses commétans, 3-4; Chabanon des Salines, Dénonciation de M. l'Abbé Grégoire, 2.

[23] Reprinted by Clavière, Adresse de la Société des Amis des Noirs de Paris à l'Assemblée nationale, à toutes les villes, etc., second edition, 158-61. (Pièce justicatif No. 1.)

cessively by the municipal, the district, and the department authorities.[24] At Bordeaux there was a division of opinion. The Jacobin Club flatly refused to support the project. The Chamber of Commerce after a good deal of hesitation voted to prepare a petition and send a delegation to Paris, then found it impossible to secure sufficient support for either project and abandoned them both.[25] Gouy says that of forty cities to which he wrote, the greater number made no reply, though Havre, Abbeville, Dunkirk, and Rouen sent in petitions.[26] Chabanon says also that the colonists received only slight assistance from the merchants, adding that the patriotism of the chambers of commerce was paralyzed by the slanderous imprecations of a fanatical society and the "*singeries imitatives*" of provincial club-members.[27]

The last slur, which sounds ungracious from a member of the group which had been scattering model petitions broadcast, had reference to the activity of the Jacobin Clubs of some of the provincial towns, which had espoused the cause of the mulattoes. The parent organization at Paris, which in spite of Brissot's activity remained loyal to Barnave and the Lameths, did nothing to aid either side in the controversy. Indeed it appears that colonial questions did not come before the club for discussion, after the legislation of March, 1790, until the middle of May, 1791.[28]

But the Club at Angers on March 9th, 1791, sent to all the patriotic societies of the kingdom an effective appeal:

"The revolution has taken place at San Domingo in a way exactly opposite to that in France; just as we in Europe are making progress toward liberty, at San Domingo the chains of tyranny are being strengthened. . . . A mulatto was imprisoned in chains last December for the sole reason that he had been in France during the revolution and doubtless was bringing back with him the principles of equality among citizens." Such an appeal to revolutionary sentiment, blended as it was with a good description of the position of the mulattoes as property owners and tax-payers, and a reference to the rebellion of Ogé as the

[24] Collection des adresses et petitions des citoyens-commerçants de la ville de Nantes, Nos. 1 to 4, pp. 1-18.

[25] Pétition nouvelle des citoyens de couleur, 13-15. (Pièce justicatif No. 1.) Letter of Baux, extraordinary deputy of commerce from Bordeaux, Moniteur, VIII, 462.

[26] Gouy, Lettre à ses commétans, 4.

[27] Chabanon, *op. cit.*, 2-3.

[28] Clavière stated that skilful men had the secret of keeping the question out of the assembly of Jacobins. (*Op. cit.*, ix.) Cf. Correspondance de Brissot, 265.

inevitable result of white oppression, could not fail to find a response. Within six weeks replies were received at Angers from thirteen cities, while at least six or seven other Jacobin Clubs or similar organizations sent petitions direct to the National Assembly or published them as pamphlets.[29]

Clavière prepared at this time a long memoir, the most elaborate document the Friends of the Blacks had yet published, reviewing the history of the agitation, and defending the position of the Society. This was published in the Courrier de Provence as well as in pamphlet form, sent to all the members of the National Assembly, and widely distributed elsewhere, four hundred copies being sent to the Jacobin Club of Paris to be placed in the hands of its members.[30]

All this material as it came to the National Assembly was referred to the colonial committee, where it was likely to do little good and little harm, but the effect of the agitation showed itself clearly enough when the question at last came before the Assembly.

[29] Clavière, *op. cit.*, 178-236.

[30] Clavière, *op. cit.* Letter of the Society of the Friends of the Blacks to the Jacobin Club of Paris, Apr. 8, 1791, Correspondance de Brissot, 265. Grégoire, speech of May 11, 1791, Moniteur, VIII, 366.

## CHAPTER VII

### The Law of May 15, 1791

The long-delayed opportunity of the Friends of the Blacks came on May 7th, 1791, when De Lattre, in the name of the combined committees on commerce and agriculture, constitution, marine, and colonies, reported the first instalment of the great Instruction, or colonial constitution, which had been promised by the Law of November 29, 1790. The bill embraced two distinct proposals. The first was contained in Article I, which read as follows: "The National Assembly decrees, as an article of the constitution, that no law concerning the status of persons may be made by the *Corps Legislatif*, for the colonies, except on the exact and formal demand of the colonial assemblies." This, it will be noted, simply placed the well-known preamble of the law of October 12, 1790, in the form of constitutional law. The other fifteen articles provided for the immediate convocation of an assembly of twenty-nine delegates from the West Indian colonies on the little island of St. Martin, for the purpose of drawing up a law to regulate the civil and political status of the free colored people. Article XIV provided as follows: "when the status of the free mulattoes and negroes has been definitely determined by the Corps Legislatif on the recommendation of the Committee of St. Martin, the first article of the present decree will have been fully executed, and future legislatures may not institute a new proposal relative to the status of any persons whatever."

The report accompanying the bill set forth that the combined committees had given careful attention to the numerous petitions received from the mulattoes, and recognized the necessity of doing something in their behalf. At the same time, the numerous disturbances in the colonies, which were clearly due to uncertainty concerning the Assembly's attitude, demanded that action be taken immediately to set all doubts at rest, without waiting for the colonial constitution to be completed. "Those who wish to overthrow the colonies," said the reporter, "who wish to spread conflagration there, who wish perhaps to wrest them away from us, have tried to persuade the colonists that the law of March 8th was only provisional, and that that of October 12th would be repealed. . . . The first article of the new decree has been initiated by the wish of the commercial interests of France, ex-

pressed by the extraordinary deputies, by the cities of Nantes, Havre, Dunkirk, Rouen, Dinan, and an infinite number of addresses and petitions. It is, moreover, merely the fulfillment of the promise made on October 12th, 1790."

On the other hand, the reporter argued, it was important that the colonies should be required to use their initiative at once, in order that the status of the free colored population might be rendered uniform and their condition ameliorated. The report closed with an urgent plea for haste which sounded very specious in view of the extreme deliberation with which the committees had acted.[1]

The Abbé Grégoire was on the floor at once. "This bill embraces objects of the greatest importance," said he. "It is a question of annihilating the Declaration of the Rights of Man, of reducing one class of men to slavery and delivering another to oppression. After waiting four months for this proposal, we can very well wait a few days longer. I demand that the action be postponed and the report printed." Moreau de St. Méry objected; Pétion demanded that he (Moreau) be given time to defend this "horrible" decree. "I am not surprised," replied Moreau, "to hear the bill called horrible by those who are setting themselves up in public opposition, not only to all laws which are proposed concerning the colonies, but to those which have been passed, which they refer to as criminal acts on your part. . . . All the evils which afflict the colonies come from these same hands. . . . Do you claim that the constitution which you have given France will do for the colonies? You must renounce your wealth and your commerce or declare frankly that the Declaration of Rights does not apply to the colonies." Pétion responded in a speech of considerable length, arguing that the proposal to leave the fate of the mulattoes to an assembly of whites was exactly the same plan as that proposed at the beginning of the Revolution, to leave the clergy and nobles to decide separately on their own privileges. Then ensued an unusually long period of violent disorder, Dillon, Malouet, and seven or eight others demanding the floor, while others shouted for an immediate vote. Finally the President put the question of postponement, and the report was laid over till the 11th.[2] The system of muzzled voting had broken down at last, and the Friends of the Blacks had won their first triumph.

The great debate opened on May 11th, and raged with scarcely an interruption for five days. During this time every aspect of the mulatto

[1] De Lattre, Report of May 7, 1791, Arch. parl., XXV, 636.

[2] Moniteur, VIII, 333-6. Point du jour, XXII, 71-4. Le Hodey, XXV, 262-7.

question was thoroughly ventilated. The positions of the various parties have already been stated so fully, however, that only a small part of the discussion need be reproduced.

Grégoire opened the debate. "It is at last permitted," said he, "for the defenders of the colored citizens to raise their voices in this Assembly!" He began by castigating the reporter for his failure to mention any of the numerous addresses submitted by the Friends of the Blacks and by the provincial Jacobin Clubs, while he gave so much weight to the petitions of the commercial cities on the other side. Then he defended the Society from the charge of fomenting disorder in the colonies, countering with the charge that the first real source of the trouble in San Domingo was the now well known letter of August 12, 1789,[3] and many others which followed it, stirring up animosity against the free colored people. A second cause he found in the ambiguity of the law of March 28, 1790, and a third in the ambitious rivalries of the white colonists and the vacillating course of the National Assembly, which took away on November 29th what it gave on March 8th and October 12th. The usual plea for the inherent rights of the mulattoes followed, and the oration closed with a reference to Ogé, martyr to the love of liberty. "If Ogé is blameworthy, so are we all, and if he who demands liberty perishes for it on the scaffold, all good Frenchmen deserve it equally with him. . . . His blood cries out for vengeance, but I must restrain myself—it is not for a minister of the God of Peace to demand it."[4]

Clermont-Tonnerre supported the bill in a temperate speech, basing his argument chiefly on the impolicy of one people trying to govern another. "The very nature of things," said he, "is opposed to the fiction that the two peoples are one; they can be united only by affection, and affection can only exist from community of interests; interests cannot be reconciled except as the weaker party finds in the form of organization a counterweight to the threat of subjection."[5] As Barnave stated the same point, the question was not whether the negroes should be free or not, whether the free colored men should be active citizens or not, but whether the initiative in dealing with the question should be left to the colonial assemblies. Clermont-Tonnerre's argument was the powerful argument of Calhoun for a "states' rights" solution of the problem, fortified by a rigid constitution. But it was squarely opposed to the

[3] Quoted above, pp. 14-5.

[4] Moniteur, VIII, 366-7. Le Hodey, XXV, 381-93.

[5] Moniteur, VIII, 367-8, 370-1.

passion for unification and centralization which was the very soul of the Revolution, and Clermont-Tonnerre's associates in the defense of the bill did not care or did not dare to go so far.

Malouet followed with one of the most thoughtful speeches in the entire debate. Clermont-Tonnerre's argument, he pointed out, would break down the whole system of commercial regulation and lead to the loss of the colonial trade. Malouet sought a middle ground between that position and the position of Grégoire, which would subject the colonies to the whole of the constitution of France. To bring the colonies under the new political principles of France, he urged, the conditions of life there must be somewhat similar. But there was no such similarity. Soil, climate, products, number and classes of men, habits, morals, everything was different. It would be useless to discuss the morality of slavery; no man possessed of sense and morals would defend it. But slavery could not be abolished without bringing on terrible disasters; it was therefore impossible to apply the Declaration of Rights without exceptions. "But," said he, "if we are forced to forego the application and contradict the spirit of these principles in one place, it is very dangerous to go back to the principles and apply them to the colonies as a rule of action in other matters. The constitutional principles for the colonies must be specially determined. . . . And if you recognize the necessity of not subordinating them to your general principles, you cannot refuse to let them deliberate concerning the exceptions, for they know better than you the differences between their domestic and administrative régime and yours."[6]

This argument touched the Friends of the Blacks in a vital spot. By denying the morality of slavery and at the same time endorsing its continuance on prudential grounds, they were destroying the force of the ethical argument as applied to the mulattoes, and this, in the last analysis, was the only argument they had.

The debate of the 12th was dull, the only feature being the way in which Robespierre took up the threat of the loss of the colonies and flung it back in the teeth of the colonists:

" 'You will lose the colonies,' you say, 'unless you deprive the colored citizens of their rights.' And why will you lose the colonies? Because one portion of the citizens, the so-called whites, wish to enjoy exclusively the rights of citizenship. And they it is who dare to say to you by the lips of their deputies, 'Beware the results of this discontent!' "

[6]Moniteur, VIII 367.

After commenting on the impolicy of yielding to threats, Robespierre went on to suggest that the same argument could be used on behalf of the mulattoes, who might find as great an inspiration in the defense of their rights as the whites in the defense of their pride.[7] This prophecy was fully justified a few months later.

The discussion was closed on a motion to lay the entire project of the committee on the table. After an unseemly brawl over the statement of the question, during which the gallery manifested strong sympathy with the radicals, the motion was beaten by a vote of 378 to 298, and the conservatives had won the first skirmish. During this session there was a great breaking up of parties, Barnave, probably for the first time, getting heavy applause from the right, and the Jacobin Club splitting badly at the roll-call.[8]

Most of the 13th was wasted in petty wrangling, but one notable contribution was made to the discussion. This was the discourse of the Abbé Maury, who spoke at great length and with such effectiveness that he received hearty applause from both sides of the house, and the Assembly, by an almost unanimous vote, ordered his speech to be printed. The Abbé called attention first to the way both sides were dodging the real issue, slavery. The partisans of the mulattoes, he claimed, were really interested in this question because the enfranchisement of the mulattoes would be a first step toward the liberation of the slaves; while their adversaries, instead of boldly meeting that issue, were pretending not to oppose the enfranchisement of the mulattoes at all, but merely the proposal to do it by authority of the National Assembly. Maury's position was that it was both just and expedient that the mulattoes should be excluded from the suffrage, and in supporting this position he brought the debate down for the first time from the high levels of political theory to the ground of practical politics. He made no reference to the prejudice of color, and painted no picture of threatening rebellion, but argued that the newly freed slave was incapable of casting an intelligent ballot. He pointed out the danger that the colonies might fall under the control of the freedmen, and the certainty of consequent misgovernment and emigration of the whites. Finally, he showed that with the important colonies already seething with revolution the time was inopportune for the introduction of radical reforms. In spite of the Abbé's extreme unpopularity, the practical common sense of his remarks made more

[7] Moniteur, VIII, 381-3.

[8] Moniteur, VIII, 378-85. Le Hodey, XXV, 421-47. Point du jour, XXII, 146-52. Gazette de Paris, May 15, 1791, 2. Ami du roi, May 13, 1791, 531-2.

impression on the Assembly than did the fluent speech of the well beloved Barnave.[9]

The effect of this speech was weakened, however, by the reply of Monneron, deputy from the tiny Isle of Bourbon in the East Indies, who met the Abbé with argument as practical as his own. Monneron claimed that in his colony, where there was a large proportion of mulattoes, the sentiment was strongly in their favor, and that the colonial assembly urged the most favorable legislation in their behalf. He further asserted that in the Portuguese and English colonies free mulattoes held both municipal and ecclesiastical office.[10] Naturally, this speech was regarded by the other colonial deputies as little less than treason.[11]

The remainder of this session was devoted to parliamentary wrangling and tumultuous voting. Moreau de St. Méry proposed an amendment to prohibit the Corps Legislatif from initiating legislation relative to "slaves," instead of "status of persons." Robespierre made a desperate plea that at least the shameful word be omitted. "From the moment you pronounce the word 'slave' you will have pronounced your own dishonor!" he cried. "Let the colonies perish if they must cost you your happiness, your glory, your liberty." Moreau finally consented to accept the expression "persons not free" in place of "slaves," and thus amended the article was adopted without serious opposition:

"The National Assembly decrees, as an article of the constitution, that no law on the status of persons not free can be made by the Corps Legislatif for the colonies except upon the formal and spontaneous demand of the colonial assembly."[12]

This was an easy victory for the colonists, but the 14th opened with a stinging defeat. A letter from the delegation of mulattoes, asking again that they be heard at the bar of the Assembly, was read by one of the secretaries, and after a brief but heated debate the request was granted. After a few moments of disorder, consequent on this decision three mulattoes were introduced. Raimond, acting as the spokesman of the delegation, described the situation of the free colored population of the colonies, their numbers and wealth, the disabilities and injustices from which they suffered, and the persecution which had been instituted against them in San Domingo since the arrival of the deputies' letter of

[9] Moniteur, VIII, 390-4. Ami des patriotes II, 268.

[10] Moniteur, VIII, 394.

[11] Cf. Gouy d'Arsy, Lettre à ses commetans, 10, for a story that Monneron's attitude was due to his having married a mulatto.

[12] Procès-verbal, May 13, 1791, 8. Moniteur, VIII, 395-6, 397.

August 12, 1789. The argument that race equality would lead to slave rebellion he answered by showing that the mulattoes, being themselves slave-owners and forming the sole militia of the islands, were really the chief safeguards against a revolt.[13]

Between the sessions of the 14th and the 15th it is evident that an effort was made to get the moderates of the two parties to agree on a compromise along the lines suggested in Maury's speech of the 13th. Rewbell opened the discussion on the 15th by offering an amendment to the effect that the Corps Legislatif should never deliberate on the status of colored people not born of free parents, except upon the initiative of the colonies, but that colored people born of free fathers and mothers should be admitted to the suffrage if they possessed the other necessary qualifications. This amendment was utterly illogical and futile, but had the advantage of appearing to split the difference between the claims of the two parties at a moment when the rank and file were worn out with wrangling. It was supported by all the leaders of the party which supported the mulattoes, except Robespierre, who fought to the last for the eligibility of all the freedmen. It was opposed by the colonial deputies, by Barnave, and by nearly all the leading supporters of the committee's project, but evidently was received with more favor by their followers, for after various amendments had been voted down the amendment passed, and the long fight was over. The demand for a roll call was rejected by a very large majority, and the house adjourned amid great applause from the galleries.[14]

[13] Moniteur, VIII, 399-401. Le Hodey, XXV, 491-509. Point du jour, XXII, 179-92.

[14] Moniteur, VIII, 403-4.

## CHAPTER VIII

### The Closing Days of the National Assembly

The Friends of the Blacks had inflicted a defeat upon their adversaries, but had won very little for their friends. As a moral victory the vote of May 15th seemed to mean a great deal, but as a practical political reform it was insignificant. The proportion of the mulattoes affected by it was very small, probably no more than one-twentieth if they were required to prove their eligibility,[1] while the political rights of the rest of the free colored people were removed from the jurisdiction of future National Assemblies, except upon the initiative of the colonies.

Moreover, even for this small proportion, the fight for the suffrage had just begun. The Friends of the Blacks were to learn that a legislative victory may mean but little when the executive is in sympathy with the defeated party. The political difficulty which arose from its lack of control over the ministry the Assembly had sought to overcome by extending the function of its committees into the field of administration, but it had failed to provide an effective means of controlling the committees themselves. In consequence a remarkable series of obstacles now interfered with the promulgation of the new law. The first of these delays, however, was the fault of the Assembly itself. On May 17th the Assembly voted that the four committees should prepare an "instruction" to accompany the law of May 15th. The purpose was to explain the true intentions and motives of the Assembly and make it clear that no promises had been broken, and thus to offset the effect of the criticisms which would be levelled at the law by its opponents. It was even seriously suggested that the departure of all vessels bound for the colonies should be suspended for four days, "in order that the same vessels which carry error thither may also carry truth."[2]

On the 21st the famous economist, Dupont de Nemours, who was a member of the joint committee, reported that after several attempts it had proved impossible to secure a quorum and that those members who did attend had asked him to prepare an instruction himself. This instruction, which was adopted May 29th, was a weak and rather undignified attempt to refute some of the chief objections advanced against the

[1] Cf. Rév. de Paris, VIII, 293.

[2] Moniteur, VIII, 522-3. Procès-verbal, No. 653, 2.

law of May 15th. The most interesting point in it is the way in which Dupont de Nemours attempted to reconcile the law of May 13th, concerning slavery, with the principles of the Assembly:

"It has recognized that the men who are charged with the labor of cultivation in the colonies are, by lack of enlightenment and by their expatriation, in a state of prolonged minority which seems to demand that the protection of the law be modified with respect to them, just as with children, by the immediate authority of the family government, and which seems to necessitate admitting into the colonial constitution certain exceptions to its general principles."[3]

The failure of the four committees to get a quorum for the purpose of drawing up this instruction is the first indication of a policy of obstruction which was pursued all summer with so much success that the law of May 15th was never sent officially to any of the colonies, and the instruction of May 29th, so far as a committee of the Convention could learn, was never published in San Domingo at all.[4] Again and again the Assembly tried to hasten the sending of the law and the departure of the civil commissioners provided for in the law of November 29th, and invariably some pretext for delay was found.[5] On August 22d, the decrees still being void of official recognition, six new members were added to the colonial committee in the hope of arousing it to greater activity, and the Minister of Marine was ordered to submit an immediate report concerning the causes of the delay.[6]

The report which the Minister submitted the next day gives us a glimpse of the network of intrigues which were woven against the law. First, it had been decided to wait for the instruction of May 29th, then for the final report on the colonial constitution. The latter law, after being crowded through the Assembly with unseemly haste on June 14th, was not sanctioned till July 10th, having been delayed in coming to the king from the Assembly. Then there was trouble in getting it printed, so that it did not come to the Minister of Marine till July 25th. Then the commissioners who had been waiting for months to start to the islands demanded a further delay, and when it was refused they resigned. Three new commissioners were appointed, and these had just gone to Brest to set sail.[7] A demand for a report from the colonial committee as to

[3] Moniteur, VIII, 530.

[4] Garran, *op. cit.*, II, 91.

[5] Procès-verbal, May 29, June 10, 1791.

[6] Moniteur,IX, 459-61. Of the six new members, five were in sympathy with the law of May 15th, the sixth being, curiously enough, Charles Lameth.

[7] Procès-verbal, August 23, 1791, 21-4.

the cause of the continual delay evoked a very indefinite reply from Barnave, who stated that he had taken no part in the work of the committee since May 15th, though he had not resigned as chairman lest he seem to be using his influence to prevent the law from being executed.[8]

On August 29th four of the new members of the colonial committee resigned from it, explaining that while they were added to the committee to aid in the enforcement of the law of May 15th, the only question it discussed was how to secure the repeal of that law. The new members, being in the minority, could effect no change in the committee's methods, and offered a pathetic complaint of the rudeness of their reception there. On receipt of this report the session of the Assembly became extremely stormy, and an effort was made to secure a complete renewal of the committee but in vain.[9]

Meantime, the question continued to be agitated outside the Assembly. Immediately after the passage of the law of May 15th all the deputies from the West Indian colonies joined in a letter announcing to the National Assembly their intention to absent themselves indefinitely from its sessions. Their letter was extremely haughty in tone,[10] and excited sharp criticism, but received no official notice. On June 10th, after a discusion of two or three hours, the Jacobin Club voted on motion of Danton to suspend those of the colonial deputies who were members of the Club till they should return to their post of duty.[11] After the flight of the king the colonial deputies returned to the Assembly,[12] but they took practically no part in the discussion of colonial affairs. Gouy d'Arsy issued a number of pamphlets, and obtained some publicity by offering his colonial property for sale at what purported to be a great sacrifice.[13] A pamphlet was distributed entitled "List of names of those who have voted for England against France on the question whether the Assembly should sacrifice the colonies."[14] Petitions for the repeal of

[8] Moniteur, IX, 474.

[9] Moniteur, IX, 537-8; Le Hodey XXXIV, 435.

[10] "Li ministri plenipotenziari d'una Potenza assoluta e sovrano non potevano scrivere di piu ad un congresso." Kovalevsky, Dispacci degli Ambasciatori Veneti, I, 264.

[11] Aulard, *op. cit.*, II, 494. Gouy d'Arsy, Extrait logographique de la séance des Amis de la Constitution de Paris, du Vendredi, 10 juin, 1791.

[12] Lettre de MM de Gouy et de Reynaud a l'Assemblée nationale a l'occasion de l' evasion du roi et de la famille royale.

[13] Gouy, Diverses Pièces, etc.

[14] Garran, *op. cit.*, II, 91.

the law of May 15th began to pour in, chiefly of course from the commercial cities.[15]

The other side, having won the victory, was naturally less active but the Directory of the Department of the Gironde, and the Jacobin Club and other organizations of Bordeaux congratulated the Assembly and offered the services of eight hundred volunteers to go to the colonies to help enforce the law of May 15th. Similar offers were received from Lorient and Brest.[16]

Then alarming reports began to arrive from the colonies, particularly from San Domingo. The Governor wrote:

"The most frightful civil war may result from the present attitude of public opinion. The first part of the law, relative to the slaves and freedmen, does not reassure them. They look upon that as merely an arrangement which another law may repeal just as this one has repealed those which preceded it. Confidence in the National Assembly is entirely destroyed. . . . I fear that this law, if it is not repealed, will cause the shedding of the blood of thousands of citizens, and that those whose interests it is intended to favor may be its victims."[17]

Later reports were to the effect that the fortifications in San Domingo were being put in order and preparations made for armed resistance if the enforcement of the law were attempted.[18]

The petitions and other communications concerning this law were referred, of course, to the colonial committee, which remained inactive throughout the summer. Finally, on the 5th and 7th of September the question was reopened by complaints against the committee, and Barnave made a long speech, in which he outlined the principles of his entire colonial policy. He argued with much effect that the colonies, unified and strengthened by a common purpose to defend their autonomy in domestic affairs would, unless the Assembly reversed its policy, wrest from succeeding legislatures not only the repeal of the Act of May 15th but also their commercial liberty, which would mean virtually the loss of the colonies. "There is then," said he, "only one way to save the interests of the nation; it is at the same time with one hand to give the colonists what is necessary for their internal security, and in the other hand to retain to retain that which is necessary for the commercial in-

[15] Déliberation des 4 comités, Arch. parl., XXX, 592 ff.; Kovalevsky, *op. cit.*, I, 273.

[16] Procès-verbal, No. 660, 8; No. 668, 10, 12; No. 678, 31-4.

[17] Letter of Blanchelande, dated July 3, 1791, read in National Assembly, August 22, 1791; Moniteur, IX, 460.

[18] Speech of Barnave, September 24, 1791, Moniteur, IX, 758-60.

terests of the mother country. . . . At the moment when you bring tranquility and security to their souls, they will accept submissively an unchangeable constitutional law which will assure the prosperity of your commerce." He closed by moving that the committee be given ten days to make its report on the petitions, which was voted.[19]

On the 23d Barnave presented the final report of the colonial committee. With characteristic audacity he omitted all reference to the petitions on which a report had been so urgently demanded but dwelt at length on the alarming situation in the colonies. The indignation of the colonists was due, he said, not only to the results which were apprehended from the law of May 15th, but from their fear that the precedent created by the passage of a law concerning their domestic affairs would open the way for an attack by the Legislative Assembly on slavery. Hence it would not suffice to repeal the obnoxious law; some assurance for the future must be given. Therefore the committee recommended two constitutional laws: first, that legislation concerning the external affairs of the colonies should be entirely within the jurisdiction of the Legislative Assembly, subject of course to the royal veto; second, that laws concerning the status of persons should be made by colonial assemblies and taken directly to the king for sanction without consulting the Legislative Assembly at all. The whole idea of legislation by the National Assembly on the initiative of the colonies, which had been the chief item in the committee's program for a year and a half, was now abandoned and a true federal system was proposed in its stead.[20]

Practically all the session of the 24th was consumed in the debate on this proposal, which covered much the same ground as the discussion in May. As Robespierre pointed out, no reason was now given for repealing the law of May 15th which had not been considered when the law was passed, and no results had followed the law which had not then been anticipated. The Assembly's rule was never to reconsider its actions simply because of a change in the strength of parties. Moreover there was grave doubt whether the Assembly, having already declared the constitution complete, could legally place any further limitations on the power of the Corps Legislatif. But the old conservative majority which had been broken up by the compromise of May 15th was once more in the saddle, and after the usual scenes of disorder and amid violent demonstrations of disapproval from the galleries all objections were overruled and the committee's project was adopted.[21]

[19] Moniteur, IX, 612-5; Procès-verbal, September 7, 14-15.
[20] Moniteur, IX, 756, 758-60.
[21] Moniteur, *loc. cit.*; Procès-verbal, Sept. 24, 1791.

## CHAPTER IX

### Analysis of the National Assembly's Work

The legislation just described closes the record of the Constituent Assembly's dealings with the most flagrant violation of revolutionary principles with which it had to deal. Four laws embodied its contribution to the solution of the problem of human bondage—the law of March 8th, 1790, which placed slave property definitely under the protection of the law; that of October 12th, 1790, which by implication promised the colonists the initiative in all questions relative to the "status of persons"; that of May 12th, 1791, which made the promise definite, so far as slaves were concerned; and that of September 24th, 1791, which removed all questions concerning slavery and the privileges of free negroes from the jurisdiction of French legislative assemblies and entrusted them to the colonies themselves.

So far, therefore, as the Constituent Assembly is concerned, the work of the Friends of the Blacks must be pronounced a failure, and the triumph of conservatism complete. The Friends of the Blacks had started out with a program by no means radical. They deliberately put aside every effort to obtain for the negro slaves any benefit except a vague future "amelioration," which they never attempted to define. They accepted without protest a law guaranteeing the perpetuity of slavery. They limited their campaign to two proposals. Of these, the first, the abolition of the African slave trade, was a reform so sane, just, and practical that within twenty-five years it found almost unanimous acceptance from the desperately conservative Europe of the Restoration era. The second was the abolition of political inequalities among free citizens of France whose qualifications for a share in their own government differed only in accordance with their race. This latter measure, considering that race prejudice was almost unknown in France, was certainly a far less drastic application of the philosophy of equality than was, for instance, the abolition of nobility or the suppression of the guilds. Surely then the failure of the Friends of the Blacks cannot be explained by excessive radicalism. How shall we reconcile the conservatism of the Assembly in handling these colonial questions with the radicalism it professed and practiced when more important issues were at stake?

To answer this question it will be necessary to look more closely at the party situation within the Assembly. The reader who is familiar with revolutionary history will have noticed that all the prominent participants in the discussion of the negro question, except Maury and Malouet, were members of the Left or revolutionary party. They were all moved at first by a common desire for the overthrow of the abuses of the old régime, but as the preliminary work of destruction was completed and the Assembly turned to the larger task of reconstruction a division arose, and the party separated into two mutually hostile groups. The larger group, led by the triumvirate, Barnave, Alexander Lameth, and Duport, and containing such men as Talleyrand, La Fayette, and Siéyès, was moderate and monarchical. This group, sometimes known as the Left Center, came to represent the property interests of France, as the Right represented the privileged classes of the old régime. As it became increasingly apparent that the breakdown of the government constituted a peril to property the group grew increasingly conservative. As this took place, however, the extreme Left grew increasingly radical. This party was led by Pétion and Robespierre within the Assembly, and Brissot, Loustallot, and Camille Desmoulins outside. Between them and the dominant faction the most conspicuous issues were those which arose in connection with the property qualifications for suffrage and for eligibility to the Legislative Assembly. Within the Assembly the moderates were always by far the stronger, and the constitution of 1791 was almost entirely their work. But outside the rising tide of democracy was undermining their influence. The crisis came in connection with the flight of the king, which split the Jacobin Club and made republicans out of the radicals, but temporarily strengthened the conservative elements in the Assembly.

This story is familiar to all students of the history of the Revolution, but surprisingly little attention seems to have been paid to the connection between the divergence of these revolutionary parties and the development of sentiment on the colonial negro question. For this was the question which first brought the interests of property into clear opposition to those of humanity, and was a prime factor in the breakup of the Left and the loss of its leaders' hold on the populace.

Take the case of Barnave for instance. He started as a violent radical. "Le sang, était-il donc si pur?" was his reply to the denunciation of the murder of innocent men by the mobs of 1789. In a manner worthy of Marat he accused the Monarchical Club of giving the people poisoned bread, and he fought a duel with Cazalès to uphold the dignity

of his extreme radicalism. But on February 25th, 1790, he spoke in the Jacobin Club against the abolition of slavery,[1] and this speech in all probability won him his place on the colonial committee. From the time that he accepted the chairmanship of that committee his divergence from the democrats is clear. As shown above, he came into conflict with the Friends of the Blacks when he made his first report in March, 1790, and every act of his committee thereafter widened the breach. Likewise the Lameths, one of whom as noted above was a colonial proprietor, were actively identified with the defense of the property rights of the colonists from revolutionary attacks. In general the line between bourgeois and democratic interests which has been traced by Aulard and others in connection with the suffrage question and the question of the deposition of Louis XVI will be found to correspond to the line between the advocates and the opponents of humanitarian legislation in behalf of the negroes.[2]

Carrying the analysis forward into the spring of 1791, we find that the Jacobin Club of Paris refused to discuss the negro question, though the provincial branches were lining up rapidly in favor of the mulattoes. The question first came before the Club on May 11th, 1791, when Brissot opened it with a long speech, full of personalities and sarcasm directed against Barnave. Barnave replied with the same speech which he delivered the next morning in the Assembly, and Pétion spoke in rebuttal. Barnave won the victory, though it was noted that his support came from friends of the orator and not of his cause.[3]

At the session of May 13th Raimond was allowed to speak, and made the same remarks, in substance, as he delivered the next morning before the Assembly. An "Armenian or Turk" also spoke in favor the mulattoes and reminded Barnave and the Lameths that one false step may cost the fruits of fifty years of virtue. Robespierre made a bitter attack on Barnave and the Lameths. Charles Lameth tried to reply but was greeted with hisses and could not get a hearing.[4] This is the real beginning of the schism in the Jacobin Club. Barnave and the Lameths, who had hitherto been its most popular leaders, did not appear again till after the flight of the king, and never again played a prominent part in

[1] Gazette de Paris, March 2, 1790.

[2] Exceptions to this are La Fayette and Siéyès, neither of whom was an active participant in the campaign on behalf of the negroes except at the very outset, and Mirabeau, who always acted independently of party lines.

[3] Aulard, La Société des Jacobins, II, 412. L'Ami des patriotes, II, 273, n. Brissot, Mémoires, II, 101.

[4] Aulard, *op. cit.*, II, 413-5.

the Club's proceedings. On June 10th the Club voted the suspension of the colonial deputies who had withdrawn from the National Assembly after the passage of the law of May 15th.[5]

Outside, too, the tide of sentiment was running against the opponents of the mulattoes. *Lendemain* noted that Charles Lameth's popularity was in great danger, and the Venetian ambassador referred in a dispatch to the disfavor into which the leaders of the people had fallen. *Gazette de Paris* noted that Barnave on May 11th got applause in the Assembly from the right, while Gouy d'Arsy tells us that Barnave was "hissed by the multitude, of which he had recently been the hero."[6]

Then came the flight of the king and the consequent withdrawal of so many members that the Jacobin Club was temporarily wrecked. During July and August many of the more radical members of the Club returned, and the remainder formed the Feuillant organization. After this reorganization all the leading Friends of the Blacks except La Fayette were in the Jacobin Club proper, and all the prominent defenders of colonial interests were in the Feuillant. The Jacobin Club, however, did not drop the names of the seceders from its roll till September 25th. Then, as a direct result of the passage of the law of September 24th the Club struck off its roll the names of Barnave, Duport, Goupil, and the two Lameths, charging them with acting contrary to the rights of man. The breach in the ranks of the revolutionists was now complete.

There was no inconsistency in the attitude of the Constituent Assembly toward this question, for from beginning to end the controlling group was essentially bourgeois and was imbued with a respect for the rights of property which outran its zeal for the interests of humanity. One hundred and fifty colonial proprietors sat in the Constituent Assembly,[7] and alongside these were ranged the merchants, jealous for the prosperity of their customers and debtors, and the ship-owners zealous for the protection of the trade in slaves. "Life, liberty, and property" were the inalienable rights of man, according to the immortal Declaration, and no federal court of our own day is more jealous of infringement upon the third of these rights than were the "progressives" who made the constitution of 1791. The central abuse against which the Revolution reacted was the subordination of the interests of the owners of proper-

[5] Aulard, *op. cit.*, II, 494. Gouy d'Arsy, Extrait logographique de la s..ance ds Amis de la Constitution de Paris, du Vendredi, 10 juin, 1791.

[6] Aulard, *op. cit.*, II, 414-5; Kovalevsky, *op. cit.*, I, 262; Gazette de Paris, May 15, 1791, 2; Gouy d'Arsy, Lettre à ses commétans, 33.

[7] Lavie, speech of August 22, 1791, Moniteur, IX, 460.

ty to those of the nobility and clergy, and the same conservative impulse which led the bourgeoisie to protect the ballot from the true *sans-culotte* by the provision of the "three days' labor" tax made them also very ready to weigh sugar heavy in the balance against slavery, and rotting ships against rattling chains. "This system is oppressive, but it supports several million men in France," said Barnave, and this in substance was the decisive argument in every debate.

## CHAPTER X

### The Mulatto Question in the Legislative Assembly

The Constituent Assembly had done its best to remove the negro question from French politics by eliminating it from the sphere of competence of the Legislative Assembly. If, therefore, extraordinary circumstances had not compelled the latter body to turn its attention to colonial affairs the work of the Constituent would probably have remained untouched, and the colonies would have been left in peace to work out their own salvation. This, however, was impossible. The colonies, and especially San Domingo, could no more work out their political problems in peace than could the mother country. The violent reaction of the whites against the law of May 15, 1791, provoked the mulattoes to take arms in its defense long before the news of the law of September 24 arrived. This development was followed immediately by a terrible revolt of the slaves, and a triangular contest ensued in which the island was delivered over to appalling scenes of murder, arson, and pillage. The Legislative Assembly had to disentangle the truth about these dissensions from a mass of conflicting testimony and devise a means of restoring order, and this necessarily involved reopening the question of the status of free negroes and mulattoes, if not the future of slavery itself.

Although the mulatto insurrection began before the slave revolt, the latter catastrophe was first reported to the Assembly. The insurrection began late in August, 1791, in the province of the North, and spread rapidly till it was estimated, probably with much exaggeration, that 50,000 slaves were in revolt and 150 plantations had been destroyed.[1] Blanchelande, the governor, took the part of prudence rather than of valor, keeping his troops in Le Cap to guard against an insurrection of the city negroes and lawless whites, and sending frantic appeals to the Spanish, French, and British possessions and to the United States. He delayed, however, to send word to France, and it was not till October 27th that the Assembly received news of the disaster.

[1] Letter of the National Commissioners to the Minister of Marine, Nov. 29, 1791, Arch. parl. XXXVII, 315. The colonial assembly estimated 100,000 in revolt and 200 plantations in ruins. Letter of Sept. 13, 1791, Arch. parl. XXXIV, 87.

At first the report was received incredulously by the Jacobin left, as a device to draw away troops from France, but as soon as the serious character of the rebellion became evident the Assembly voted an appropriation of over ten million livres, which provided amply for the expense of sending the full quota of troops and munitions requested by the Governor. On this measure, it should be noted, there was no serious disagreement.[2] Apparently the logical thing to do was to await further suggestions from the governor, and so far as measures of direct assistance were concerned this course was pursued. But the slave rebellion offered a handle which neither the radicals nor the colonial conservatives could forbear to grasp, and served to reopen the whole controversy which we have traced through the period of the Constituent Assembly.

The radicals, now led by Brissot, were still indignant over the passage of the law of September 24th, and the slave revolt gave them their opportunity to attack it, the argument being that the disarmament of the mulattoes was undoubtedly a primary cause of the rebels' success, and that conciliation of the mulattoes was necessary to secure their aid in suppressing the revolt. On the other hand, the colonial group pointed to the rebellion as a confirmation of their predictions, charging that it was caused by the seditious writings of the Friends of the Blacks.

Before the debate opened on this question, more evil tidings arrived.[3] The mulattoes in the province of the West were now reported in full revolt, demanding the enforcement of the decree of May 15th. This movement, though it involved only a few thousand men, gave promise of making more serious trouble than the negro revolt in the North, and presented a much knottier problem for the Assembly to handle. During the early summer of 1791 while the white colonists were uttering their first outcries against the law of May 15th, the mulattoes had remained quiet. But after the Governor had declared that he would not take the responsibility of enforcing that law if it should ever arrive in official form, and especially after the whites had proceeded to elect a new assembly in entire disregard of the law, the mulattoes resolved to take things into their own hands. They organized first in the Province of the West, where they were the strongest, and where dissensions among the whites

[2] The point is of importance, as modern authors have charged the Jacobins with obstructing the relief of the colony. Neither Blanchelande nor the colonial assemblies complained of the amount of military assistance rendered. There was just complaint of the delay, as the troops did not get away till December, but the Assembly was responsible for only a very small portion of this delay.

[3] Arch. parl. XXXVII, 259-62; Moniteur, X, 399-400, 405.

played into their hands. The white colonists were divided into two parties, one a conservative group composed chiefly of planters, the other representing the towns and dominated by the rabble, whose hatred of the mulattoes was only equalled by their love of disorder and pillage. This latter party, called the Patriots, had adopted the catch-words of the revolution and set up a municipal government for Port-au-Prince. Though the planters were avowedly royalist and the Patriots revolutionary, the points at issue between the two parties bore no close relation to the party divisions in France, and at first had no connection with the negro question. But the planters made common cause with the mulattoes, and together they overpowered the forces put in the field by the new city government of Port-au-Prince. On September 11th they compelled the city to accept a treaty of peace which, under the title of the Concordat, played a very prominent part in the politics of San Domingo and the debates of the Legislative Assembly throughout the winter. The main provisions of this treaty were as follows: The white colonists agreed to accept the law of May 15th, and to desist from further attempts to secure its repeal. New elections were to be held, mulattoes being eligible for the suffrage and for membership in the colonial assembly. Proclamation was made of amnesty for past offenses, liberty of the press, and inviolability of correspondence. All irregular revolutionary governments in municipalities, provinces, and the colony at large, were to be abandoned.[4]

Meantime, even before news of these transactions reached the north, the colonial assembly had executed a volte-face. Helpless in the face of the slave revolt, they turned to the mulattoes, the only native population capable of effective field work against the negroes, and offered tempting concessions as the reward of aid.[5] In a series of laws passed

[4] Garran, *op. cit.*, II, 120-45. For text of the Concordat, Arch. parl. XXXVII, 267-8.

[5] Blanchelande referred repeatedly in his letters to the absolute necessity of securing assistance from the mulattoes, and paid high tribute to their valor and endurance. The white colonists he described as entirely worthless for military purposes. They must, he said, have wine and liquors fresh meat, ragouts, and valets, while the mulattoes march barefoot, can live for a day on bananas and water, and are inured to the hardships of the climate. The poorer classes of whites, he reported were watching for a favorable moment to pillage the city, and would only consent to serve in the field for two-thirds of the loot which might be found in the sacked plantations. Nevertheless he insisted that it would be absurd to grant the mulattoes' demands for political recognition. Letters to the Minister of Marine, Sept. 13 and Nov. 16, 1791, reprinted Arch. parl. XXXVII, 259, 313-4.

in September they removed the prohibition on the mulattoes carrying arms; authorized them to meet in parish assemblies to petition for redress of grievances; agreed to offer no further opposition to the enforcementof the law of May 15th, and promised a vague future "amelioration" in the status of the free mulattoes who were not included in the provisions of that law. Nevertheless, they refused to confirm the Concordat of September 11th. The Governor also threw his influence against the Concordat, and declared himself unable to promulgate or recognize the law of May 15th till it should arrive in official form.[6]

This was the puzzling situation which was reported to the Legislative Assembly in the closing days of November, 1791. The free mulattoes, whose cause was so dear to the advanced revolutionists of France, were in alliance with the aristocratic planters of the West, wearing the white cockade and fighting in the name of the king, to force the Jacobin law of May 15th on the unwilling *sans-culottes* of Port-au-Prince; while the Governor and colonial assembly, themselves strongly suspected of excessive loyalty to the king, were supporting Port-au-Prince against the confederation of mulattoes and aristocratic whites.

A few days after the news of these developments was received, three delegates from the colonial assembly arrived, and offered a report which threw down the gauntlet to the Friends of the Blacks. Their orator began with a very detailed and harrowing description of the slave revolt, and continued with an arraignment of all who disagreed with the extreme conservative colonial position, which seems worthy of extensive citation:

"We lived in peace," said he, "in the midst of our slaves. A paternal government had for several years been improving the lot of the negroes, and we dare to assert that millions of Europeans, the victims of want and misery, receive much less of the comforts of life than those who have been painted to you and to the world as loaded with chains and dying of slow torture.

"The situation of the blacks in Africa, without property, without political and civil life, constantly the playthings of the insane fury of tyrants . . . is changed in our colonies into a condition not only endurable but pleasant. They had lost nothing, for liberty, which they do not enjoy, is a plant which has never borne fruit in their native land. . . .

[6] Correspondence of Blanchelande, the mulattoes and Jumecourt, leader of the white planters. Arch. parl. XXXVII, 269-78.

"Assured of the enjoyment of their property, . . . cared for in sickness with an attention which we should seek in vain in the boasted hospitals of England, protected and respected in the feebleness of old age, undisturbed in their family relations, subjected to labor adapted to the strength of each individual, . . . such was the true and unvarnished picture of the government of our negroes.

"But, gentlemen, a society was formed in the heart of France and prepared far from us the dissensions and convulsions to which we are a prey. At first obscure and modest, it indicated only a desire for an improvement in the condition of our slaves, but . . . it was ignorant of all the means of accomplishing such an improvement, while we were unceasingly laboring to accomplish it, and instead of being able to assist us, the society, by sowing the spirit of insubordination among our slaves and apprehensions among ourselves, forced us to renounce these efforts. . . .

"Soon the society demanded that the slave-trade be suppressed; that is, that the profits which might result from it for the commercial interests of France should be given to foreigners, for the romantic philosophy of the society will never persuade all the powers of Europe to abandon the cultivation of colonies and leave the inhabitants of Africa a prey to the barbarity of their tyrants rather than employ them elsewhere under more humane masters to exploit lands which would remain uncultivated without them. . . .

"Then, entering into the revolutionary movement in France, this society tied up its extravagant and illogical scheme to the plan which the Empire had conceived of setting itself free, and profiting by the universal enthusiasm of all Frenchmen for liberty, it interested them through the memory of their own servitude in its project to destroy that of the negroes.

"From this moment this society, or at least some of its members, set no bounds to their plans. . . . It took advantage of the Declaration of the Rights of Man, an immortal work and salutary for enlightened men, but inapplicable and therefore dangerous in our society, and sent copies of the Declaration into the colony in great numbers, and the journals which it subsidized or seduced made this declaration resound in the midst of our plantations; the cries of the Friends of the Blacks announced openly that the liberty of the negroes was pronounced by the Declaration of Rights."

After a review of the earlier phases of the controversy over the mulatto question the orator continued:

"In this state of effervescence, in this general intoxication, . . . the discussion of the law of May 15th took place among you; a mass of writings which preceded and accompanied this discussion were scattered even in our plantations; there were read and noted those terrible words, the signal for arson and carnage, 'Let the colonies perish!'[7] Then it was that the letter of a minister of the religion of peace, addressed to his brothers the mulattoes, announced to our slaves that soon the sun would shine on free men only. . . .[8]

"It is proven today that the influence of the Friends of the Blacks is destructive of the colonies; let them cover themselves with whatever sophisms they will, they can never destroy the evidence of our sufferings. There is no man of good faith who doubts that their works, their declamations, their writings, their infamous emissaries, were the active and constant cause which for two years has been making preparations for our ruin and has at last brought it to pass. France owes us protection, but troops cannot reassure us if it allows revolt and massacre to be plotted against us at home. It owes us protection, but it will try in vain to afford it if such offenses remain unpunished. . . . A hundred times we have demanded public vengeance for the odious manœuvers of these men who turn our fatherland upside down under the guise of humanity. We have obtained nothing. May the horrible catastrophe whose outlines we have traced serve as a lesson for the future, and save from the same evils those of our fellow-citizens who have not already undergone them."[9]

This address evoked a complimentary response from the President, and the Assembly after a brief but bitter contest voted to have it printed. This friendly reception of an overt defense of slavery may be regarded as the highwater mark of the success of the conservative party which had controlled the dealings of France with the race question with only one short break since the autumn of 1789.

And yet, although the immediate result was a striking triumph, this attack on the Friends of the Blacks was a fatal error, for it forced the fighting at a point where the radicals were strong. The charges made against the Friends of the Blacks were entirely indefensible. It was notorious that the San Domingo colonists had exercised a strict censorship over the mails since the summer of 1789, and they never produced a

[7] This perversion of Robespierre's unfortunate remark (quoted above, p. 49) was a constant theme of the antagonists of the Friends of the Blacks.

[8] A rather misleading allusion to an ill-judged letter published by Grégoire.

[9] Arch. parl. XXXV, 460-7.

scrap of evidence to convict the Friends of the Blacks of sending either emissaries or literature into the island. The charge simply opened the way for a consideration of the entire issue, at a time when the colonists had already gotten everything they could hope for from legislation and had everything to lose.

The contest which began with this address lasted intermittently for four months. It was not comparable either in scope or in quality of debate with that in the Constituent Assembly. Both sides suffered from lack of competent leadership. The colonies had no representatives in the Assembly, but the delegates sent over by the colonial assembly were liberally supplied with money for campaign purposes and carried on a vigorous publicity campaign. As in the Constituent, the ministry and the colonial committee supported the colonial cause. Brissot was the leader of the radicals and by the inordinate length and extreme unfairness of his speeches did his utmost to lower the quality of the debate. Letters and petitions from Jacobin Clubs, chambers of commerce, and similar organizations came in on both sides, the sea-port towns aligning themselves as before with the colonial party.[10]

These communications and all the colonial dispatches dealing with the question were referred to the colonial committee, which moved with great deliberation. A study of its tactics makes it clear that the committee, more circumspect than the colonial assembly, preferred to prevent the negro question from becoming an issue rather than to try to control the legislature. So when the address of the deputation was referred to the committee they pigeonholed it and gave the Friends of the Blacks no opportunity for a reply.

Brissot soon grew impatient, and on December 1st and 3d, 1791, secured the floor to present a report himself. This "report" was a document of some 30,000 words[11] in which was reviewed the entire history of the revolution in the colony and the dealings of the Constituent Assembly with the problems of colonial administration and mulatto suffrage. Brissot had no difficulty in defending the Friends of the Blacks from responsibility for the slave revolt. In fact, he showed pretty convincingly that the success of the negroes should rather be attributed to the strife between the factions of the whites,the loose talk about liberty which was current everywhere, the colonists' policy of disarming the mulattoes, and the general weakness of the government.

[10] Garran, *op. cit.*, III, 12-19.

[11] Arch. parl. XXXV, 474-90, 536-42. Cf. Moniteur, X, 518-21, 540.

So far Brissot's argument was sound, but this was only a beginning. All the doings of the colonial assembly, the colonial members in the Constituent Assembly, and the Governor were next recounted and interpreted in the light of a theory which Brissot had evolved to the effect that through the whole two years the dominant colonial faction had aimed at independence or the transfer of its allegiance to England. This was not altogether a fantastic idea, and later events went far to confirm it. But Brissot had no proof, nothing but inferences from a few points in the conduct of the Governor and the colonial assembly. And he carried the idea to an absurd extreme, arguing that the negro revolt itself was a scheme to find a pretext for calling in English intervention and breaking away from France.

The remedy which Brissot suggested was to send three thousand national guards to the colony, place these troops under the control of new commissioners, impeach the Governor, have a new colonial assembly elected without race qualifications, and call on the committee on colonies for a bill to facilitate the collection of debts in the island. This last provision was a thrust at the colonists, who as a class were heavily indebted to the mother country, as colonists always are. Probably Brissot hoped by this move to break up the combination of colonists and seaport towns by securing the support of merchants who had colonial debtors. These proposals did not come to a vote, but a motion by Guadet requesting the king not to allow the employment of troops to overthrow the Concordat was passed on December 7th.[12] There was much anxiety among the radicals lest the arrival of troops should enable the whites to dispense with the aid of the mulattoes and withdraw the concessions which had been made to them, and a few extremists proposed to suspend the departure of troops entirely, arguing that if the mulattoes were assured of proper treatment by the repeal of the law of September 24th no troops would be needed. This motion was defeated on December 6th.[13]

On December 10th and January 11th Tarbé, chairman of the colonial committee, presented reports which, though incomplete on account of the constant arrival of new dispatches, were quite sufficient to expose the utter flimsiness both of the colonists' accusations against the Friends of the Blacks and of Brissot's charges against the Governor and the colonial assembly. No action of importance was recommended, and none

[12] Moniteur, X, 567-8, 573-8.

[13] Moniteur, X, 565.

was taken. There was, indeed, little occasion for legislative interference, as the commissioners sent out under the law of September 24th, who had not yet been heard from, had adequate authority, and were in a better position to direct affairs than was the Assembly. Brissot and his followers assailed the reports very bitterly but made no attempt to secure action on the next item in their program, which was the formal ratification of the concordat and the repeal of the law of September 24th.[14]

For the next six weeks the question slumbered, though occasional reports of new disorders reminded the Assembly of the unsettled problem. The colonial committee wished to send aid in the form of a loan and a body of skilled laborers, and there appears to have been no opposition, yet they did not try to push the proposal to a vote. It is pretty clear, in fact, that the leaders of the colonial party preferred to let the colony go unaided rather than take the risk of stimulating a renewal of activity on behalf of the mulattoes.

Tarbé's third and final report came up on February 29th.[15] It was a very able document and contained an excellent survey of conditions in San Domingo up to the middle of December. The picture was gloomy enough. The slave rebellion in the North was reported to be collapsing, but the West had gone from bad to worse. The news of the law of September 24th had increased the mutual distrust of the mulattoes and the white revolutionists. The "patriot" faction of Port-au-Prince had attempted to revoke the Concordat, and had been compelled by force of arms to accept it again in a form more drastic than before. During the confusion incident to this affair a riot had ensued in Port-au-Prince, and the city had been nearly destroyed by fire. The ruins of the city at last report were besieged by the confederation of "aristocratic" whites and mulattoes, and countless atrocities were taking place. The South, hitherto at peace, was now also the scene of desolating civil war.

Tarbé showed no especial bias against the mulattoes—indeed he admitted the justice of their cause, but he made the most of the evidences of royalism in the confederation, and identified the white supporters of the mulattoes with the counter-revolutionary party of France. Still he recommended no interference. This seems rather extraordinary, but may have been judicious, as the royal commissioners at last report had not been in San Domingo long enough to form a definite policy, and the

[14] Arch. parl. XXXVII, 401-10; XXXVIII, 222-9. Moniteur, X, 592-6; XI, 93-6, 99-100.

[15] Arch. parl. XXXIX, 198-209.

troops had not all arrived. Tarbé argued with considerable force that if troops were sent to aid the colonists of Port-au-Prince the mulattoes would be deprived of their just rights, while if they took the mulattoes' side the triumph of aristocracy and counter-revolution was sure to follow. As a matter of fact, the difficulty of dealing with the question from Paris was almost insuperable. At best the Assembly could only provide for a situation six weeks or two months past with remedies to take effect at an equal distance in the future. All they could hope to do successfully was to define the purposes and principles of the colonial government, and leave local officials to judge of specific measures. But a general definition of principles was just what the colonial party was most anxious to avoid.

On March 21st, 1792, more evil tidings arrived. The Governor's hopes for a speedy suppression of the slave revolt had not been realized. Instead, the rebels had gained ground rapidly and now controlled the whole province of the North, outside the fortified towns in which the miserable inhabitants were huddled. The ruins of Port-au-Prince were still besieged by mulattoes and "Pompons blancs," while the South was still rent by civil war between mulattoes and whites.[16]

The Assembly now for the first time since December turned its attention seriously to the question, and voted to discuss it without further postponement till a settlement should be reached. Brissot opened the debate with a motion for the repeal of the law of September 24th. Using the facts brought out in Tarbé's report, he showed that in every case the rebellion of the mulattoes was provoked by the injustice and bad faith of the white colonists, who accepted terms of peace only to break them at the first opportunity. The civil commissioners, he pointed out, had failed to pacify the mulattoes because they had simply demanded their submission to the law, without offering them any guarantee of better treatment. This part of Brissot's argument was consistent and made a very good case for his motion. He weakened it immensely, however, by reviving his previous charge that the Governor and the colonial revolutionary party were trying to transfer the colony to the flag of England.

Tarbé, who replied first, scarcely met the argument on the main point at issue, the repeal of the law of September 24, but devoted his time to attacking the weak spots in Brissot's argument. The debate, which continued for three days, was entirely without feature. The advance of radical sentiment during the preceding six months can be seen clearly,

[16] Moniteur, XI, 689-90; Arch. parl. XL, 204-5.

for the opponents of Brissot's measure as a rule made no objection to the principle of mulatto suffrage, but merely claimed the measure was premature, or pleaded that the colonists be given a chance to make the reform themselves.[17] Indeed if the debate had been confined to the main question, and the conservatives had not had opportunity to becloud the issue by riddling Brissot's charges against the colonial government, they would have been almost helpless.

On both sides much time and ingenuity was devoted to the constitutional question whether the Legislative Assembly could repeal the law of September 24th, which was constitutional in form, but was passed after the constitution was complete. This question, it should be noted, was of much less importance than a similar question would have been under our system of government, for the Assembly was the final judge of its own powers, and its action whether in violation of the constitution or not, would be valid as law.

The discussion ended on March 24th with a complete triumph for the radicals. On that date a bill was passed which dissolved all existing assemblies in the French West Indies, and opened the suffrage for their replacement to all citizens, regardless of color. Technically the law of September 24th was not repealed, but practically the result was the same.[18] No colonial assembly could now be chosen, in San Domingo at least, which would not be controlled by the advocates of negro suffrage. The law further provided that new civil commissioners were to supersede those sent out the previous fall, with the widest possible discretion in the administration of the law.[19] The law was sanctioned by the king on April 4th, after an attempt on the part of the colonists to secure a veto,[20] and is generally referred to as the law of that date. The commissioners were appointed and sailed in July.

[17] Most of the smaller West Indian colonies had endorsed mulatto suffrage at an irregular congress held during the preceding winter.

[18] The law did not, as was generally understood, prohibit race qualifications for suffrage in the future. It only guaranteed the free negroes a share in the formation of new assemblies which should formulate the law for the future in accordance with the law of September 24th, subject only to the royal veto. This point was, however, ignored by the commissioners sent out to enforce the law, who treated it as an absolute prohibition of race discrimination.

[19] For debates on this bill see Moniteur, XI, 689-92, 694-5, 697-700, 703-7, 714-16, 717-20, 723-4.

[20] Garran *op. cit.*, III, 32-3.

## CHAPTER XI

### The Legislative Assembly and the Slave Trade

The legislation just described gave the final answer, so far as the Revolution was concerned, to the question of the civil status of free negroes. The free negro and the white man were placed on an equal footing and left to work out their future relations for themselves. But the slavery question remained closed, and no one seemed interested to reopen it. After March 24, 1792, all reports and petitions relative to the internal affairs of the colonies were referred to their appropriate committees from which they never emerged. For the rebellion of the slaves the Legislative Assembly had no remedy but the sword, and scarcely a single voice was lifted in protest. By consent of all parties Dupont de Nemours' legal fiction of the perpetual minority of the slaves (see above, p. 52) stood as the final solution of the problem which they created.

One other phase of the negro question, however, remained to cause vexation. This was the attempt of a few of the radicals to induce the assembly to abolish the slave trade, or at least to withdraw the bounties provided for its encouragement. It will be remembered that on March 8th, 1790, the Constituent Assembly had refused a hearing to Mirabeau and other opponents of the slave trade and had declared the colonists and their property under the special protection of the nation. After this defeat the Friends of the Blacks did not try to reopen the question of the slave trade till the spring of 1792, and it attracted no attention from the public. In fact opposition to this evil was developing faster abroad than at home. On February 24th, 1792, Denmark abolished the trade, effective in 1803, and on April 3d the English House of Commons passed a resolution in favor of gradual abolition. The latter action gave opportunity for a revival of the issue in France. On April 10th, 1792, the Assembly passed a motion calling on the committees on commerce and on colonies to render an early report of a plan for the abolition of the trade. The committees appointed a subcommittee to prepare the plan, but they never reported it to the Assembly.[1]

We find no further reference to the question in the proceedings of the Legislative Assembly till the ever memorable night of August 9th and

[1] Gerbaux et Schmidt, *op. cit.*, II, 739.

10th, 1792. At 2:30 on the morning of the 10th the Assembly turned its attention from the stirring scenes which surrounded it to the question of abolishing the slave trade, or withdrawing the bounties which fostered it. The discussion was soon interrupted by the famous report from the Minister of Justice to the effect that the king was in danger and must be brought to the Assembly Hall for protection. This episode of course put an end to the discussion of the slave trade for that session.[2] On August 11th the Assembly voted to suppress the bounty of forty livres per ton which had been paid to French vessels engaged in the trade. Whether this law also suppressed the bounty of from 160 to 200 livres per slave which was paid in addition to the tonnage bounty, is not clear, though it is evident that such was the intention of the Assembly.[3]

On the 18th another motion to suppress the trade was referred to the Committees on Commerce, Agriculture, and Marine. These committees dared not make an adverse report, so agreed to make no report at all unless they should be compelled to do so, and in that case to recommend that the question be laid over for the Convention to settle, on the ground that the latter body would contain colonial delegates.[4] The report was never called for and the committee continued its policy of keeping the issue smothered. Even when petitions were presented by merchants who had what the committee considered good claims for bounties, its members were afraid to reopen the issue by recommending payment, and advised the petitioners if they could not get a settlement from the ministry to wait and appeal to the Convention.[5]

[2] Moniteur, XIII, 378; Arch. parl., XLVII, 626.
[3] Arch. parl., XLVIII, 27; Gerbaux et Schmidt, *op. cit.*, II, 812, n.
[4] Gerbaux et Schmidt, *op. cit.*, II, 808-9; Arch. parl. XLVIII, 360.
[5] *Ibid.*, II, 812.

## CHAPTER XII

### The Work of the Convention

In the Convention the negro question was never an issue between parties and received comparatively little attention. Absorbed in the problems of the foreign war, and at first containing a large number of members who were opposed to radical action, it was disposed, even more than was the Legislative, to leave the colonies and their French officials to solve their own problems with a minimum of legislative interference. When finally it did turn its attention to the negro question, its decision was quickly made.

As in the previous assemblies, the property interests were in control of the important committees. Throughout the winter and spring of 1793 the new Committee on Commerce was engaged in correspondence with the Minister of the Interior concerning the claims for slave trade bounties to which reference was made in the preceding chapter. The committee was anxious to secure the payment of these claims, but still more anxious to keep the question of the slave trade out of the Convention.[1] Finally, on July 27th, 1793, the Minister appealed to the Convention for a decision, and recommended that the bounties be suppressed. Grégoire made a plea in support of the proposal, and a law abolishing all the bounties was passed, apparently without opposition. Another vain attempt was made at this time to prohibit the trade entirely.[2]

On September 19th the committee again came to the aid of the claimants with an explanatory decree providing for the payment of bounties accrued before the date of their suppression. This, however, failed of passage, and such payments were specifically prohibited.[3]

Meanwhile there were slight but growing indications of interest in the question of slavery. The correspondence of representatives of the colonial interest bears witness to a great increase in anti-slavery sentiment at the time of the fall of the king. A commissioner of the colonial assembly wrote: "Only one spirit governs here; it is horror for slavery

[1] Gerbaux et Schmidt, *op. cit.*, III, 702, 712; IV, 14, 100-1, 118, 128, 130.

[2] Journal de débats et de décrets, July 28, 1793, 347. (The Journal is here a source for the Moniteur.) Courrier de l'égalité, July 28, 1793, 219. Arch. parl., LXIX, 580.

[3] Arch. parl. LXXIV, 408-9.

and enthusiasm for liberty! It is a frenzy which turns the heads of all, and it is growing."[4]

On March 5th, 1793, the Convention passed a law providing for the defense of the colonies, one clause of which was of interest in connection with our problem:

"The national commissioners and general governors are authorized to make provisionally all the changes in the government and discipline of the slave-plantations which they may judge necessary for the maintenance of peace in the colonies."[5] Apparently this action took the colonists by surprise, and passed without opposition, but they succeeded in delaying its promulgation till the middle of the following summer.[6]

In the attack on the Gironde, and especially on Brissot, colonial representatives took a leading part. The identification of the negro rebels and mulattoes with royalism in the islands was brought up against Brissot, and flags with royal symbols, taken from the negroes, were produced in court.[7]

But in spite of this, on June 3d, 1793, the Jacobin Club gave an enthusiastic welcome to a deputation of colonists, chiefly mulattoes, who marched in with banner and martial music to present their application for membership, the most honored of them all being a "petite fille" 114 years of age, who desired to take the civic oath. The rules were suspended to permit the immediate admission of the aged mulattress to membership, and the President gave the fraternal kiss to the entire deputation.[8] The next day the same delegation paraded before the Convention and presented a tri-colored banner, symbo ic of the union of whites, blacks, and mulattoes, and a petition for the abolition of slavery. At the appearance of the aged mother the entire assembly arose, and the President was instructed to give her the fraternal kiss. On motion of Grégoire, the petition was referred to a committee with instructions that an early report be rendered, and the deputation was honored with special mention in the minutes.[9] The Convention's interest was evidently slight, for when the committee rendered no report, the question was allowed to slumber till the following February.

[4] Garran, *op. cit.*, IV, 474.

[5] Arch. parl. LIX, 627.

[6] Garran, *op. cit.*, IV, 491-2.

[7] *Ibid.*, IV, 491-501.

[8] Journal des débats de la société des Jacobins, 5 juin 1793, 5.

[9] Moniteur, XVI, 568.

Meanwhile the law of April 4th had reached the colonies, where it had results differing widely in accordance with local conditions. In Martinique it was accepted without opposition[10] while in Guadeloupe the whites refused to accept the law and mulattoes who based protests upon it were thrown into prison by the governor.[11]

In San Domingo conditions went from bad to worse. The colonial assembly received the law with outward submission, and issued a proclamation summoning all persons to give obedience to it.[12] But as the law simply provided for negro suffrage in elections for a new assembly and the existing assembly did not dissolve itself nor order new elections, its acquiescence in the law was only formal. The three-cornered war between slaves, mulattoes and whites raged on.

The new civil commissioners, Sonthonax, Polverel, and Ailhaud, who arrived in September, were all identified with the radical Jacobin party.[13] Ailhaud played no part of importance, and soon returned to France. The other two from the first displayed the same unscrupulous energy which characterized the deputies on mission sent out in France by the Convention a few months later. They dissolved the Assembly, and instead of ordering new elections in accordance with the law of April 4th, appointed a temporary commission, composed in part of free negroes and mulattoes, to take its place. They deported the former governor, the new governor who came out with them, and a great number of officials and private citizens. They won some successes against the rebel negroes, but on the whole made little progress in a military way, for the climate proved so deadly that two months after their arrival less than one-half their troops were fit for duty.

In April, 1793, at the head of an army of French troops and mulattoes they bombarded and captured Port-au-Prince, which had been holding out against the combined forces of the mulattoes and the aristocrats for over a year. In June they quarreled with a new governor, Galbaud, and in attempting to deport him lost the support of most of the soldiery. As the people of Cap Français, where the incident occurred, had already turned against them, this incident started another civil disturbance in which Cap Français, the metropolis of the island, was almost destroyed.

[10] Mémoire justicatif des hommes de couleur de la Martinique . . . contenant l'histoire des hommes de couleur dans les colonies françaises, 59-61.

[11] Pardon, La Guadeloupe, 85.

[12] Blanchelande, Discours justicatif, 53-6.

[13] An attempt to secure the appointment of the mulatto Raimond as one of the commissioners had been defeated by the activity of representatives of the colonial assembly. Garran, *op. cit.*, III, 128.

The commissioners won the victory, but only by the desperate expedient of calling to their assistance several thousand revolted slaves, and rewarding them with their liberty.

This emergency measure changed the entire situation, and led directly to the emancipation of the slaves throughout the colony. The commissioners had started out with no overt intention of opposing slavery. Indeed in an address delivered immediately after their arrival Sonthonax had spoken thus:

"We declare that only colonial assemblies, constitutionally formed have the right to free the slaves.

"We declare that slavery is necessary to the prosperity of the colonies, and that it is neither in accordance with the principles nor with the wish of the National Assembly of France to touch the prerogative of the colonists in this matter."[14]

In December, however, Sonthonax wrote a letter urging the Convention to take steps toward a general emancipation.[15] In May the commissioners issued a code for the regulation of slavery, which, though extremely harsh, marked an improvement over the old régime.[16] Now in the midst of the struggle for Cap Francais, their need of military assistance precipitated a complete change of policy. Driven to the hills above the city, confronted by the dominant faction of the whites and the mutinous soldiery, with the revolted slaves and the hostile forces of Spain behind them and the threat of English invasion hanging over their heads, they turned to their only resource. They issued on June 21st, 1793, a proclamation which offered liberty to all negro warriors who would fight against the Spanish or any other enemies of the republic. The new freedmen were promised all the rights of French citizens. This measure applied only to the negroes who had been terrorizing the country for the past two years, but at the same time the commissioners announced a new set of reforms in the conditions surrounding the slaves, and indicated their purpose to work toward a general emancipation. It was hardly possible, if they had wished, to grant freedom to rebels and refuse it to the faithful slaves whose labor still supported the country. As a colonial deputy reported the situation to the Convention some months later,

"The greater part of the North had been in insurrection for two years, and . . . there was no hope of making them return to their

[14] Sciout, Les commissaires Sonthonax et Polverel, Rev. quest. hist., LXIV, 427.
[15] Stoddard, The French Revolution in San Domingo, 205.
[16] Garran, *op. cit.*, IV, 30-2.

work; part of the others had been given their liberty as a reward for having defended the laws of France and the representatives of the Republic against Galbaud and his accomplices; but all the men claimed to be warriors and wished to obtain their liberty in that way. There remained only the women and children; for these they asked now another act of favor—they said, 'it is not by the fault of our women that they have not been able to arm themselves for France. Should the weakness of their sex be punished? . . . As for the children, they are our own blood, . . . to keep them in slavery is to condemn us to eternal misery.' "[17]

The commissioners soon carried their work to its logical conclusion. On July 11th, 1793, they emancipated the wives and children of the newly freed negroes, provided special facilities for transmuting their irregular family relations into holy matrimony, and reported to the Convention that civilization was making great headway. Compensation was granted to the owners of female slaves who obtained their freedom by marrying free men. Finally on August 29th Sonthonax proclaimed a general emancipation in the North, without consulting his colleague. Polverel, who was in charge in the West, had two days previously proclaimed a sort of conditional emancipation for such slaves as would either re-enter on the cultivation of the abandoned plantations or enlist in the army. Sonthonax's action made it impossible for him to maintain halfway measures, and on September 21st with much ceremony he proclaimed all the slaves free. Having previously declared that the commissioners had no authority to do this, he sought to give his action a show of legality by opening registers for the white proprietors to emancipate their slaves "voluntarily."[18]

Meanwhile, on July 16th, 1793, the colonists deported by Sonthonax and Polverel had secured from the Convention a decree summoning the commissioners to return and face charges. The news of this action reached San Domingo in the autumn, but instead of complying the commissioners caused deputies to the National Convention to be elected, and sent them to Paris to plead their cause.

On February 3d, 1794, three of these deputies, a negro, a mulatto, and a white man, appeared before the Convention. They were received with

[17] Compte rendu par Dufay, Moniteur, XIX, 390.

[18] The above account of the history of San Domingo under the commissioners is drawn chiefly from Sciout, Les commissaires Sonthonax et Polverel, Rev. quest. hist., LXIV, 399-470, supplemented by Castonnet des Fois, La perte d'une colonie; Stoddard, *op. cit.*; Schoelcher, Vie de Toussaint Louverture; and the Report of Garran to which frequent reference has been made.

the greatest enthusiasm. Lacroix said, "For a long time the assembly has wished to have in its midst the men of color who have been oppressed so many years. Today it has two; I demand that their entry be celebrated by the fraternal embrace of the President." This was decreed, and the ceremony duly followed.[19]

The next day one of these deputies made a brief report on conditions in San Domingo, attributing the woes of the colony to intrigues of white colonists with England and Spain. The negroes, he represented, had made possible the defeat of these schemes and in recompense had asked and received their liberty.[20]

The scene which followed can best be described in the words of a contemporary journalist:

"The orator urged the Convention to confirm this promise and to give the colonies the full benefits of liberty and equality.

Levasseur: 'I demand that the Convention, not yielding to a wave of enthusiasm but to the principles of justice, faithful to the declaration of the rights of man, decree that from this moment slavery is abolished throughout the territory of the Republic. San Domingo is a part of this territory, and yet we have slavery in San Domingo. I demand then that all men shall be free without distinction of color.'

Lacroix (d'Eure et Loir): 'In laboring on the constitution of the French people, we have not given attention to the unfortunate colored people. Posterity will have a great criticism to make against us in this matter, but we ought to make reparation for it. . . . It is time for us to rise to the height of the principles of liberty and equality. . . . In performing this act of justice you will give a splendid example to the colored slaves in the English and Spanish colonies. The colored people like ourselves have broken their chains; we have broken ours; we have not wished to submit to the yoke of any master; grant them the same blessing.'

Levasseur: 'If it were possible to place before the eyes of the Convention the distressing picture of the evils of slavery, I would make it shudder at the aristocracy practiced in our colonies by certain white men.'

Lacroix: 'Mr. President, do not allow the Convention to dishonor itself by a long discussion.'

The Assembly rose by acclamation. The President pronounced the abolition of slavery, in the midst of applause and cries a thousand times

[19] Moniteur, XIX, 387.

[20] *Ibid.*, XIX, 387; 389-95.

repeated of 'Vive la Republique, vive la Convention, vive la Montagne!'

The two colored deputies were at the tribune. They embraced each other. Lacroix led them to the President, who gave them the fraternal kiss. They were then embraced in turn by all the deputies. . . .

Danton:

'Representatives of the French people, until today we have been establishing liberty as egoists for ourselves alone. But now we proclaim it in the face of the universe, and the generations will find their glory in this decree. Yesterday, when the President gave the fraternal kiss to the deputies of color, I saw the moment when the Convention should establish the liberty of our brothers. The session yesterday was too small in numbers. . . . Today the Englishman is dead. . . . In vain Pitt and his accomplices will wish by political measures to prevent the realization of this benefit, they will come to naught, and France will recover the rank and influence which are assured by its energy, its territory, and . . . its population.' "[21]

After nearly five years of conflict the principles of equality and liberty had triumphed, and nearly a million slaves were suddenly transformed into citizens of France. Here, if anywhere, the Convention allowed democratic enthusiasm to override prudence. And yet there are indications that the Assembly was not acting in entire forgetfulness of interests more tangible than the principles of equality and liberty. It may seem ungenerous to point out that the boon of freedom was not bestowed upon the negroes of San Domingo till after they had extorted it by force from the hands of the Convention's agents. The hopelessness of any attempt to undo what Sonthonax and Polverel had done may not have been apparent in 1794, as it became when Napoleon undertook the task. But Danton's cry of triumph, "The Englishman is dead!" and Lacroix's vision of English and Spanish slaves in arms against their masters were no mere flashes of oratory. Emancipation was an accomplished fact in San Domingo, and in the smaller colonies it had become an act of military expediency. War with England had been declared a year before, and the naval inferiority of France was already apparent. Without naval defense the loss of the smaller West Indian islands was inevitable; indeed both Guadeloupe and Martinique were destined to fall into English hands before the news of this law reached them. San Domingo was the only colony with sufficient population and territory to offer any

[21] Moniteur, XIX, 387-8. See also Journal des débats et des décrets, No. 503, 221-9; Journal de la montagne, No. 84, 672.

hope of successful resistance. To yield complete freedom to the negroes there offered the greatest possible hope of arousing their resistance to the British occupation of San Domingo, and there was a chance that the news of emancipation might incite negro rebellions in the smaller colonies and in the possessions of England herself.[22]

How far these considerations influenced the action of the Convention we cannot tell. The journalistic accounts quoted above give the incident all the appearance of a genuine and spontaneous outburst of enthusiasm. Yet the journalism of the Terror was prone to exaggerate the elements of emotion and self-denial, and Danton's and Lacroix's remarks were certainly premeditated.

Whatever may have been the purpose of the law, the results justified it. In spite of the efforts of the colonists it was promulgated without prolonged delay.[23] In San Domingo it made no change in the existing régime. In parts of the island a rigid system of discipline kept a portion of the negroes at work. Martinique was captured by the British on March 22d, 1794, and the law was not published there. The East Indian colonies forbade the slave trade in 1794, but refused to accept the law of emancipation, and expelled the commissioners who brought it. They maintained a practical state of independence till Napoleon's decree of 1802 restoring slavery reached them.[24]

In Guadeloupe the prediction of Danton came nearest to fulfillment. Like Martinique the colony fell into British hands before the emancipation law arrived, but a vigorous agent of the Republic, Victor Hugues, was able to communicate it to the negro population and rouse them to cooperate with his tiny army. The British, anticipating nothing of the sort, had drawn off a large part of their garrison, and Hugues was able to reconquer and hold the island. Economically the colony was ruined, but from a military standpoint the achievement was important, as Guadeloupe became a rendezvous for French privateers and was a thorn in the side of the British for sixteen years.[25]

[22] Cf. Cochin, Results of Emancipation, 38-9; Révolutions de Paris, XVII, 506-8.

[23] "Chaque jour les colons de Paris et leurs emissaires repetent au comité de salut public que ce décret est impolitique, que l'execution en est impossible; n'ayant pas réussi par ces moyens, ils denoncent tous les agens designés pour le porter dans les colonies, afin d'empêcher leur depart." Testimony of a member of the Committee of Public Safety before the Convention, March 9, 1794. Moniteur, XIX, 666.

[24] Cochin, *op. cit.*, 38-9.

[25] Cochin, *op. cit.*, 40-2; Mahan, A.T., Influence of Sea Power upon the French Revolution, II, 115-9; Roloff, Die Kolonial Politik Napoleon's I, 19.

In Guyana the abolition of slavery for a short time produced the woeful consequences predicted by the colonists before its passage and generally attributed to it by modern historians. The negroes abandoned their labors, and the resulting disturbances, coinciding with the loss of an annual subsidy from France by which the government had been supported, threatened to reduce the colony to anarchy and bankruptcy. The government was soon able, however, to establish a system of forced labor and put down *marronage*, and in a few years order and prosperity returned. Hugues was sent here after completing his work in Guadeloupe and ruled the colony with great success, though harshly, till it was captured by the British and Portuguese in 1809.[26]

[26] Roloff, *op. cit.*, 21, 211.

## CHAPTER XIII

### Conclusion

As indicated at the outset of our discussion, the problem we have been studying was a minor one, and never aroused a great deal of public interest. Toward the close of the period some enthusiasm arose from the superficial parallel between the individual liberty of which the negroes were deprived, and the political liberty which was the fetich of revolutionary France. The "aristocrats of the skin" became intensely unpopular. But there is no evidence of an attitude comparable to the deepseated abhorrence of slavery which arose a generation or two later in England and the North of the United States. The great majority of Frenchmen in all probability hardly gave it a thought. This was partly because the problem was so remote from their experience. The average man cares very little what happens so long as it does not happen to him, and the sufferings of black men in the slave ships of the Atlantic or on the plantations of the West Indies made no more personal and urgent appeal to the Frenchman of that day than do the stories of famine in India and devastation in Poland to the American of today. Partly also the indifference was due to a weakness which was inherent in the whole humanitarian movement. It was too intellectual. It was a very genuine interest in the welfare of mankind, but its appeal was addressed to too small a group to work a far-reaching change in the organization of society. No army can succeed if it is composed entirely of major generals. Deep-rooted habits and long established institutions can never be overthrown by the progress of intellectual enlightenment until the new ideas filter down from the class in which they originate to become commonplaces and prejudices in the mind of the man in the street. Eighteenth century "philanthropy," like Roman Stoicism and modern liberal Christianity, had plenty of leaders but a dearth of followers. Not until the Enlightenment emptied its ideas into the great social democratic movements of the second quarter of the nineteenth century did philanthropy secure a sufficiently broad basis to be effective in righting such ancient and strongly intrenched evils as the one a page of whose history we have been considering.

As to the treatment of the negro problem by the revolutionary assemblies, several conclusions are worthy of emphasis. In the first place,

we find no evidence whatever of a tendency to shape legislation in accordance with the abstract ideals of equality and liberty, about which so much was said, and to neglect the immediate practical effects of such action. This tendency was frequently imputed to the revolutionists by contemporaries, and the charge has been repeated thoughtlessly by modern critics. The accusation of fanaticism is a favorite weapon of the antagonists of any sweeping reform, and proves to have in this case no more weight than do most estimates of partisans made by their opponents. In fact the assemblies approached the negro question very delicately and hesitatingly, and progress was slow and reaction quick. In the Constituent no reform was accomplished; in the Legislative the hard-won triumph of the Jacobins and Friends of the Blacks brought relief only to the free negroes and mulattoes, not to the slaves; and when the Convention after sixteen months' delay finally passed a law which struck the shackles from the slaves the time was past when any action on its part could seriously injure the property interests of France or the leading colonies. Aided by the deadly climate and the deadlier insubordination of the French troops, the negroes of San Domingo had won their liberty before it was granted, and the other West Indian colonies were destined to fall into the hands of the enemy before the law could seriously affect them. For good or for ill, through the corroding influence of its example the Revolution had destroyed slavery in San Domingo and had destroyed the prosperity of the colony, long before the men who directed the course of the movement were ready to apply its principles to the solution of the problem of slavery. The common assumption, therefore, that the overthrow of the French colonial system, and especially the ruin of San Domingo, was caused by the recklessness of revolutionary assemblies in dealing with slavery, finds no support in the facts. As in the United States in 1863, emancipation in San Domingo was a result, not a cause of civil war. It was a desperate expedient to save the colony from foreign and domestic foes of the republic, and as such it was for the time a success. And the extension of the policy by the Convention to the smaller colonies was an intelligent act of military expediency, analogous to the spiking of cannon on a lost battlefield.

The charge of fanaticism on the part of the assemblies breaks down, but to the graver charge of utter indifference to human welfare and complete absorption in material interests the verdict must be "guilty." The assemblies were bold enough and radical enough in striking at ancient evils in other fields, how can we account for their weakness and indecision here? In attempting to answer this question, two reasons, aside from

the obvious absorption of public attention by larger issues, suggest themselves, one found in the character of the opposition the negro cause had to meet, the other inherent in the anti-slavery movement itself.

The strength of the opposition has been brought out so fully in the preceding pages as to require little comment. Fundamentally the issue was between property and principle. In such a contest principle usually triumphs, but only in the long run. The defenders of slavery and the slave trade had efficient organization, abundant resources, and able leadership. They appealed effectively to the interests of different sections of the public, constantly emphasizing the peril to commerce and finance, the menace of unemployment, and the rising cost of living. They knew equally well how to pack the gallery and the floor with howling mobs, and how to control the secret activities of a committee. And as usual property gained the temporary advantage.

On the side of the Friends of the Blacks there was also neither feebleness of forces nor lack of zeal. Their numbers included several of the most popular intellectual leaders of France, both within and without the assemblies, and their efforts were supported, before the close of the campaign in the Constituent, by the most powerful political machine the modern world had yet produced, the Jacobin Club of Paris and its provincial branches. The mulatto lobby headed by Raimond was efficient and untiring. Neither time, labor nor money was spared in the effort to secure at least some small benefit for the black man from the new political gospel. And yet their campaign was essentially weak. They labored under a moral difficulty which was inherent in the philosophy of the Enlightenment, the worship of the absolute. The modern doctrine of ethical relativity, the conception that conduct which is right in one country or in one century may be wrong in another, was entirely foreign to their thought. Slavery was an absolute wrong, and no consideration of the impracticability of immediate emancipation, no fear of greater evils to follow its abolition, could make it right for a single day. As a result, they were constantly placed under the necessity of choosing between loyalty to their principles and the adoption of a policy dictated by common sense. The inevitable result of a succession of such choices is either blind fanaticism and disregard of common sense or the destruction of the force of ethical considerations. This was the fatal weakness of the negrophile cause. For a party which must make its appeal to moral principles against self-interest the situation was impossible. They could not follow their own argument to its logical conclusion. Once they had agreed to the continuation of slavery, which both sides agreed to be immoral,

they destroyed the force of their argument on moral grounds against the slave trade and the subordination of the mulattoes. As they had no other argument, they were left in a hopelessly vulnerable position.[1] And in this respect the weakness of the Friends of the Blacks was the weakness of the Revolution itself, which could condemn but could not tolerate, could destroy but could not compromise.

[1] Cf. Malouet's argument above, p. 47, and Mosneron's speech in the Jacobin Club, in Aulard, La Société des Jacobins, I, 9-17.

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